

*First draft translation, may contain errors  
All translations of ayat and ahadith are interpretations of the original Arabic meaning  
Use of the pronoun "he" does not necessarily mean male only*

# Al-Muhallā bil ‘Āthār

## Issues Of Usūl

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## [Issue: The Religion Of Islam Is Taken From The Quran And From The Sunnah]

مَسْأَلَةٌ: دِينَ الْإِسْلَامِ الْمَلَزَمُ لِكُلِّ أَحَدٍ لَا يُؤْخَذُ إِلَّا مِنَ الْقُرْآنِ أَوْ مِمَّا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِمَّا بِرِوَايَةِ جَمِيعِ عُلَمَاءِ الْأُمَّةِ عَنْهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَهُوَ الْإِجْمَاعُ، وَإِمَّا بِنَقْلِ جَمَاعَةٍ عَنْهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَهُوَ نَقْلُ الْكَافَّةِ

Issue: The religion of Islam which is obligatory on every person is taken only from the Quran and what is proven to be narrated from Allah's messenger(sallallahu alayhi w sallam)-either from all the scholars of the ummah narrating from him-alaihissalaatu wassalaam-and that is ijmaa', or by a group narrating from him-alaihissalaatu wassalaam-and that is naql al kaaffah.

وَإِمَّا بِرِوَايَةِ الثَّقَاتِ وَاحِدًا عَنْ وَاحِدٍ حَتَّى يَنْبُلَغَ إِلَيْهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَلَا مَزِيدَ. قَالَ تَعَالَى: {وَمَا يَنْطِقُ عَنِ الْهَوَىٰ} [النجم: ٣] {إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ} [النجم: ٤]

Or else by the narration of trustworthy people, one from another, until it reaches him-alaihissalaatu wassalaam-and nothing more\*. Allah ta'ala said: "Nor does he speak from [his own] inclination. It is not but a revelation revealed..." (Al-Najm: 3-4)(interpretation of the meaning)

وَقَالَ تَعَالَى: {اتَّبِعُوا مَا أُنْزِلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِنْ دُونِهِ أَوْلِيَاءَ} [الأعراف: ٣] وَقَالَ تَعَالَى: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ} [المائدة: ٣] فَإِنْ تَعَارَضَ فِيهِمَا يَرَى الْمَرْءُ آيَاتِنِ أَوْ حَدِيثَيْنِ صَحِيحَيْنِ،

And Allah ta'ala said: "Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies..."(From Surat Al-A'raf:3) and He, ta'ala, said: "This day I have perfected for you your religion..."(From Surat Al-Ma'idah:3), so if two ayat or sahih hadiths are shown to a person,

أَوْ حَدِيثٌ صَحِيحٌ وَآيَةٌ، فَالْوَاجِبُ اسْتِعْمَالُهُمَا جَمِيعًا، لِأَنَّ طَاعَتَهُمَا سَوَاءٌ فِي الْوُجُوبِ، فَلَا يَجِلُّ تَرْكُ أَحَدِهِمَا لِلْآخَرِ مَا دُمْنَا نَقْدِرُ عَلَى ذَلِكَ، وَلَيْسَ هَذَا إِلَّا بِأَنْ يَسْتَنْتَبِيَ الْأَقْلُ مَعَانِي مِنَ الْأَكْثَرِ،

or a sahih hadith and an ayah, then what is obligated is using all of them, because obedience to them is equal in being obligated, so it is not permissible to leave one of them for the other as long as we are capable of [not doing] that, and this is not done except by the exclusion of what is restricted in meaning from what is unrestricted,

فَإِنْ لَمْ نَقْدِرْ عَلَى ذَلِكَ وَجِبَ الْأَخْذُ بِالزَّائِدِ حُكْمًا لِأَنَّهُ مُتَيَقَّنٌ وَجُوبُهُ، وَلَا يَجِلُّ تَرْكُ الْيَقِينِ بِالظُّنُونِ، وَلَا إِشْكَالٌ فِي الدِّينِ قَدْ بَيَّنَّ اللَّهُ تَعَالَى دِينَهُ

so if we are not capable of that, then it becomes obligated to take the additional\* text as a hukm\* because its obligation is certain, and it is not permissible to leave certainty for doubt, and there are no problems in the religion, Allah ta'ala has made clear His religion.

. [قَالَ تَعَالَى: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ} [المائدة: ٣] وَقَالَ تَعَالَى: {بَيَّنَّا لَكُلِّ شَيْءٍ} [النحل: ٨٩]

Allah ta'ala said: "This day I have perfected for you your religion..."(From Surat Al-Ma'idah:3)(interpretation of the meaning) and He(ta'ala) said:

[مسألة الحديث الموقوف والمرسل لا تقوم بهما حجة]

## [Issue: Mawquf And Mursal Ahadith Are Not Used To Establish Hujjah]

٩٣ - مَسْأَلَةٌ: الْمَوْقُوفُ وَالْمُرْسَلُ لَا تَقُومُ بِهِمَا حُجَّةٌ، وَكَذَلِكَ مَا لَمْ يَرْوِهِ إِلَّا مَنْ لَا يُوثَقُ بِدِينِهِ وَبِحِفْظِهِ، وَلَا يَجِلُّ تَرْكُ مَا جَاءَ فِي الْقُرْآنِ أَوْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِقَوْلِ صَاحِبٍ أَوْ غَيْرِهِ، سَوَاءٌ كَانَ هُوَ رَاوِيَ الْحَدِيثِ أَوْ لَمْ يَكُنْ، وَالْمُرْسَلُ هُوَ مَا كَانَ بَيْنَ أَحَدِ رَوَاتِهِ أَوْ بَيْنَ الرَّاوي وَبَيْنَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنْ لَا يُعْرِفُ، وَالْمَوْقُوفُ هُوَ مَا لَمْ يَنْلُغْ بِهِ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

Issue 93: Mawquf and mursal hadiths are not used to establish hujjah, and likewise what is narrated by someone who is not trusted in his religiosity or memorization, and it is not permissible to leave what has come in the

Quran or been truthfully narrated from Allah's messenger(sallallahu alayhi wa sallam) in favor of the saying of a companion or other person, whether he is the narrator of the hadith or not, and mursal is a hadith that has between one of its narrators or between the narrator and the Prophet(sallallahu alayhi wa sallam) someone who is unknown, and mawquf is what is not narrated from the Prophet(sallallahu alayhi wa sallam).

بُرْهَانُ بَطْلَانِ الْمُؤَقُوفِ: قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {لَيْلَا يَكُونُ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ} [النساء: ١٦٥] فَلَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَلَا يَجِلُّ لِأَحَدٍ أَنْ يُضَيِّفَ ذَلِكَ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِأَنَّهُ ظَنٌّ، وَقَدْ قَالَ تَعَالَى: {وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [النجم: ٢٨]

The proof of the invalidity of the mawquf narration is: the saying of Allah azza wa jalla: "so that mankind will have no argument against Allāh after the messengers."(an-Nisa:165) so there is no hujjah in any person other than Allah's messenger صلی اللہ علیہ وسلم, and it is not permissible for any person to add that to Allah's messenger صلی اللہ علیہ وسلم because it is assumption, and Allah ta'ala has said: "...and indeed, assumption avails not against the truth at all."(From An-Najm:28)(interpretation of the meaning)

وَقَالَ تَعَالَى: {وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ} [الإسراء: ٣٦] وَأَمَّا الْمُرْسَلُ وَمَنْ فِي رَوَاتِهِ مَنْ لَا يُوثَقُ بِدِينِهِ وَحِفْظِهِ فَلَقَوْلُ اللَّهِ تَعَالَى: {قُلْ لَا تَقْرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةً لِيَتَّقَهُوا فِي الدِّينِ وَلِيُنْذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ} [التوبة: ١٢٢]

and He (ta'ala) said: "...And do not pursue that of which you have no knowledge..."(from al-Isra': 36) and as for the mursal and who is untrusted of its narrators in his religiosity and memorization then it is because of Allah ta'ala's saying: "...For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn [i.e., advise] their people when they return to them that they might be cautious."(from at-Tawbah: 122)(interpretation of the meaning)

فَأَوْجَبَ عَزَّ وَجَلَّ قَبُولَ نَذَارَةِ النَّافِرِ لِلتَّقَةِ فِي الدِّينِ، وَقَالَ: {يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْبِحُوا عَلَى مَا فَعَلْتُمْ نَادِمِينَ} [الحجرات: ٦]

وَلَيْسَ فِي الْعَالِمِ إِلَّا عَدْلٌ أَوْ فَاسِقٌ، فَحَرَّمَ تَعَالَى عَلَيْنَا قَبُولَ خَبَرِ الْفَاسِقِ فَلَمْ يَبْقَ إِلَّا الْعَدْلُ، وَصَحَّ أَنَّهُ هُوَ الْمَأْمُورُ بِقَبُولِ نَذَارَتِهِ.

وَأَمَّا الْمَجْهُولُ فَلَسْنَا عَلَى ثِقَةٍ مِنْ أَنَّهُ عَلَى الصِّفَةِ الَّتِي أَمَرَ اللَّهُ تَعَالَى مَعَهَا بِقَبُولِ نَذَارَتِهِ، وَهِيَ التَّقَةُ فِي الدِّينِ، فَلَا يَجِلُّ لَنَا قَبُولُ نَذَارَتِهِ حَتَّى يَصِحَّ عِنْدَنَا فَفْهُهُ فِي الدِّينِ وَحِفْظُهُ لِمَا ضَبَطَ عَنْ ذَلِكَ وَبَرَأَتْهُ مِنَ الْفُسْقِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

## [Issue: The Qur'an Abrogates Qur'an And Sunnah Abrogates Sunnah]

[مَسْأَلَةُ الْقُرْآنُ يَنْسَخُ الْقُرْآنَ وَالسُّنَّةُ تَنْسَخُ السُّنَّةَ]

Issue 94: And the Qur'an abrogates the Qur'an, and the Sunnah abrogates the Sunnah and the Qur'an. Allah 'azza wa jal said: "We do not abrogate a verse or cause it to be forgotten except that We bring forth [one] better than it or similar to it." (from Surat al-Baqarah: 106), and He, ta'ala, said: "...that you may make clear to the people what was sent down to them..." (from Surat al-Nahl: 44) and He, ta'ala, said: "Nor does he speak from [his own] inclination. It is not but a revelation revealed," (Surat al-Najm: 3-4) and He, ta'ala, ordered His messenger (sallallahu alayhi wa sallam) to say: "I only follow what is revealed to me." (from Surat al-An'am: 50), and Allah ta'ala said: "And if he [i.e., Muḥammad] had made up about Us some [false] sayings, We would have seized him by the right hand; then We would have cut from him the aorta. And there is no one of you who could prevent [Us] from him." (Surat al-Haqqah: 44-47). And it is proven that all that Allah's messenger (sallallahu alayhi wa sallam) said, is from the revelation of Allah ta'ala, and abrogation is a type of the types of clarification, and all of that is from Allah ta'ala.

٩٤ مَسْأَلَةُ: وَالْقُرْآنُ يَنْسَخُ الْقُرْآنَ، وَالسُّنَّةُ تَنْسَخُ السُّنَّةَ وَالْقُرْآنَ قَالَ عَزَّ وَجَلَّ: {مَا نَنْسَخُ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا} [البقرة: - ١٠٦] قَالَ تَعَالَى: {لَتُنَبِّئَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] وَقَالَ تَعَالَى: {وَمَا يَنْطِقُ عَنِ الْهَوَىٰ} [النجم: ٣] {إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ} [النجم: ٤] وَأَمْرُهُ تَعَالَى أَنْ يَقُولَ: {إِنْ أَتَّبِعْ إِلَّا مَا يُوحَىٰ إِلَيَّ} [الأنعام: ٥٠] وَقَالَ تَعَالَى: {وَلَوْ تَقَوَّلَ عَلَيْنَا بَعْضَ الْأَقَاوِيلِ} [الحاقة: ٤٤] {لَاخَذْنَا مِنْهُ بِالْيَمِينِ} [الحاقة: ٤٥] {ثُمَّ لَقَطَعْنَا مِنْهُ الْوَتِينَ} [الحاقة: ٤٦] {فَمَا مِنْكُمْ مِنْ أَحَدٍ عَنْهُ حَاجِزِينَ} [الحاقة: ٤٧] . وَصَحَّ أَنَّ كُلَّ مَا قَالَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَعَنْ اللَّهِ تَعَالَى قَالَهُ، وَالنَّسْخُ بَعْضُ مِنْ أِبْعَاضِ الْبَيَانِ، وَكُلُّ ذَلِكَ مِنْ عِنْدِ اللَّهِ تَعَالَى .

## [Issue: Abrogation and Specification Are In The Qur'an And Sunnah]

[مَسْأَلَةُ النَّسْخِ وَالتَّخْصِصِ فِي الْقُرْآنِ وَالسُّنَّةِ]

Issue 95-And it is not permissible for any person to say about an established ayah, or narration from Allah's messenger(sallallahu alayhi wa sallam) that it is abrogated or specific(as opposed to general)to only some of what the dhahir of its phrasing necessitates, nor that this text has an interpretation not necessitated by the dhahir of its phrasing, nor that this ruling is not obligatory on us from when it was narrated except with another text narrating that this text is to be interpreted in this way, or with a certain ijma' that it is so, or by necessity of feeling which necessitates that it is so, and if otherwise he is a liar.

٩٥ مسألة: وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَقُولَ فِي آيَةٍ أَوْ فِي خَبَرٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثَابِتٍ: هَذَا مَنْسُوخٌ وَهَذَا مَخْصُوصٌ فِي بَعْضٍ مَا - يَقْتَضِيهِ ظَاهِرُ لَفْظِهِ، وَلَا أَنْ لِهَذَا النَّصِّ تَأْوِيلًا غَيْرَ مُقْتَضٍ ظَاهِرَ لَفْظِهِ، وَلَا أَنْ هَذَا الْحُكْمُ غَيْرُ وَاجِبٍ عَلَيْنَا مِنْ جِهِن زُرُودِهِ إِلَّا بِنَصٍّ آخَرَ وَارِدٍ بِأَنَّ هَذَا النَّصِّ كَمَا ذُكِرَ، أَوْ بِإِجْمَاعٍ مُتَيَقِّنٍ بِأَنَّهُ كَمَا ذُكِرَ، أَوْ بِضَرُورَةٍ جَسُّ مُوجِبَةٍ أَنَّهُ كَمَا ذُكِرَ وَإِلَّا فَهُوَ كَاذِبٌ.

The proof of that is the saying of Allah ta'ala: "And We did not send any messenger except to be obeyed by permission of Allāh."(from Surat al-Nisa: 64) and He, ta'ala, said: "And We did not send any messenger except [speaking] in the language of his people to state clearly for them..."(from Surat Ibrahim: 4) and He, ta'ala, said: "In a clear Arabic language."(Surat al-Shu'ara': 195) and He, ta'ala, said: "...while a party of them used to hear the words of Allāh and then distort it [i.e., the Torah] after they had understood it..."(from Surat al-Baqarah: 75) and He, ta'ala, said: "So let those beware who dissent from his [i.e., the Prophet's] order, lest fitnah strike them or a painful punishment."(from Surat al-Nur: 63), so His(ta'ala) saying: "And We did not send any messenger except to be obeyed..."(from Surat al-Nisa: 64) obligates obedience to Allah's messenger(sallallahu alayhi wa sallam) in everything that he orders.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ} [النساء: ٦٤] وَقَالَ تَعَالَى: {وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ} [النساء: ٦٤] وَقَالَ تَعَالَى: {وَقَدْ كَانَ فَرِيقٌ مِنْهُمْ يَسْمَعُونَ كَلَامَ اللَّهِ ثُمَّ يُحَرِّفُونَهُ مِنْ لُبِّبَيْنِ لَهُمْ} [إبراهيم: ٤] وَقَالَ تَعَالَى: {بِلِسَانٍ عَرَبِيٍّ مُبِينٍ} [الشعراء: ١٩٥] وَقَالَ تَعَالَى: {وَقَدْ كَانَ فَرِيقٌ مِنْهُمْ يَسْمَعُونَ كَلَامَ اللَّهِ ثُمَّ يُحَرِّفُونَهُ مِنْ لُبِّبَيْنِ لَهُمْ} [إبراهيم: ٤] وَقَالَ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣] فَقَوْلُهُ تَعَالَى: {وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ} [النساء: ٦٤] مُوجِبٌ طَاعَةَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي كُلِّ مَا أَمَرَ بِهِ،

and His, ta'ala, saying: "“Obey Allāh...””(from Surat Aali-Imraan: 32) obligates obedience to the Qur'an, and whoever claims that an ayah or narration has been abrogated, he has claimed that the obligation of obeying them has been dropped, so he is opposing the command of Allah regarding\* that. The saying of Allah ta'ala: "And We did not send any messenger except [speaking] in the language of his people to state clearly for them..."(from Surat Ibrahim: 4) obligates taking every text in the Qur'an and narrations upon their apparent meaning and necessary meaning. **And whoever interprets them using other than their necessary meaning in the Arabic language, has opposed the saying of Allah ta'ala and His ruling, and said falsehood about Him,** 'azza wa jal, and said something in opposition to His, 'azza wa jal, saying, and whoever claims that what is meant by the text is [only] some of what it necessitates in the Arabic language, not all of what it necessitates, then he has claimed that the clarification of the text has been dropped and claimed that the obligation to obey it has been dropped, with his lying claim.

وقوله تعالى: {أَطِيعُوا اللَّهَ} [آل عمران: ٣٢] مُوجِبٌ طَاعَةَ الْقُرْآنِ، وَمَنْ ادَّعَى فِي آيَةٍ أَوْ خَبَرٍ نَسَخًا فَقَدْ أَسْقَطَ وَجُوبَ طَاعَتِهِمَا، فَهُوَ مُخَالَفٌ لِأَمْرِ اللَّهِ فِي ذَلِكَ. قَوْلُهُ تَعَالَى: {وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا بِلِسَانٍ قَوْمِهِ لِيُبَيِّنَ لَهُمْ} [إبراهيم: ٤] مُوجِبٌ أَخْذُ كُلِّ نَصٍّ فِي الْقُرْآنِ وَالْأَخْبَارِ عَلَى ظَاهِرِهِ وَمُقْتَضَاهُ. وَمَنْ حَمَلَهُ عَلَى غَيْرِ مُقْتَضَاهُ فِي اللُّغَةِ الْعَرَبِيَّةِ فَقَدْ خَالَفَ قَوْلَ اللَّهِ تَعَالَى وَحُكْمَهُ، وَقَالَ عَلَيْهِ عَزَّ وَجَلَّ الْبَاطِلَ وَخِلَافَ قَوْلِهِ عَزَّ وَجَلَّ، وَمَنْ ادَّعَى أَنَّ الْمُرَادَ بِالنَّصِّ بَعْضُ مَا يَقْتَضِيهِ فِي اللُّغَةِ الْعَرَبِيَّةِ لَا كُلُّ مَا يَقْتَضِيهِ فَقَدْ أَسْقَطَ بَيَانَ النَّصِّ وَأَسْقَطَ وَجُوبَ الطَّاعَةِ لَهُ بِدَعْوَاهُ الْكَاذِبَةِ.

And this is speaking falsehood about Allah ta'ala, and some of the necessary meaning of the text is not more deserving for the text to be limited to, than the rest of the necessary meaning of the text. The saying of Allah ta'ala: "So let those beware who dissent from his [i.e., the Prophet's] order, lest fitnah strike them or a painful punishment." (from Surat al-Nur: 63) is\* a threat against he who says: "It is not obligatory for me to accept his orders," and necessitates that all of the texts are taken as obligatory, and whoever claims that the obligation can be delayed for a certain period, has claimed that the obligation of obedience to Allah and the obligation of what He, 'azza wa jal, obligated of obedience to His messenger(sallallahu alayhi wa sallam), in that period, is dropped.

وَهَذَا قَوْلٌ عَلَى اللَّهِ تَعَالَى بِالْبَاطِلِ، وَلَيْسَ بَعْضُ مَا يَقْتَضِيهِ النَّصُّ بِأَوَّلَى بِالْإِقْتِصَارِ عَلَيْهِ مِنْ سَائِرِ مَا يَقْتَضِيهِ. قَوْلُهُ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ} [النور: ٦٣] مُوجِبٌ لِلْوَعْدِ عَلَى مَنْ قَالَ: لَا تَجِبْ عَلَيَّ مُوَافَقَةُ أَمْرِهِ، وَمُوجِبٌ أَنْ جَمِيعَ النُّصُوصِ عَلَى الْوُجُوبِ، وَمَنْ ادَّعَى تَأْخِيرَ الْوُجُوبِ مُدَّةً مَا فَقَدْ أَسْقَطَ وَجُوبَ طَاعَةِ اللَّهِ وَوُجُوبَ مَا أَوْجَبَ عَزَّ وَجَلَّ مِنْ طَاعَةِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي تِلْكَ الْمُدَّةِ.

And this is in opposition to the command of Allah 'azza wa jal. However, if Qur'an or a proven Sunnah bore witness to the truth of the claim of he who claims some of what we have mentioned, either with ijma' or a correct narration, then his saying is correct, and obeying Allah ta'ala is obligatory in doing so. **And likewise, for he who sensory perception testifies for, because it is what Allah ta'ala created in the selves, and if not, they are claims that would lead to invalidation of Islam and invalidation of all sciences and invalidation of every single language, and this is sufficient as corruption. And from Allah ta'ala is all success.**

وَهَذَا خِلَافٌ لِأَمْرِ اللَّهِ عَزَّ وَجَلَّ. فَإِذَا شَهِدَ لِدَعْوَى مَنْ ادَّعَى بَعْضُ مَا ذَكَرْنَا قُرْآنًا أَوْ سُنَّةً ثَابِتَةً، إِمَّا بِإِجْمَاعٍ أَوْ نَقْلِ صَحِيحٍ، فَقَدْ صَحَّ قَوْلُهُ وَوَجَبَ طَاعَةُ اللَّهِ تَعَالَى فِي ذَلِكَ. وَكَذَلِكَ مَنْ شَهِدَتْ لَهُ ضَرُورَةُ الْحِسِّ، لِأَنَّهَا فَعَلُ اللَّهِ تَعَالَى فِي النَّفُوسِ، وَإِلَّا فَهِيَ أَقْوَالٌ مُؤَدِّيَةٌ إِلَى إِبْطَالِ الْإِسْلَامِ وَإِبْطَالِ جَمِيعِ الْعُلُومِ وَإِبْطَالِ جَمِيعِ اللُّغَاتِ كُلِّهَا، وَكَفَى بِهِذَا فَسَادًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[Issue: Ijma' Is That Which There Is Over It Certainty That All The Sahaba Of Allah's Messenger(sallallahu alayhi wa sallam) Knew It]

[مَسْأَلَةُ الْإِجْمَاعِ هُوَ مَا تُثَبِّتُ أَنْ جَمِيعَ أَصْحَابِ رَسُولِ اللَّهِ عَرَفُوهُ]

Issue 96: And ijma' is that which over it there exists certainty that all of the companions of Allah's messenger(sallallahu alayhi wa sallam) knew it, and held that view, and not one of them opposed it, such as our certainty that all of them(radi Allahu anhum) prayed the five prayers with him(alayhissalam), as they are in their number of bowings and prostrations, or that they knew that he prayed them with the people like that, and that they all fasted with him, or knew that he fasted Ramadan with the people when not traveling\*\*. And likewise the rest of the legislations over which we have certainty like this certainty. And those for which, whoever does not acknowledge them is not of the believers, and this is what no one disagrees that consensus is. And they were at that time all of the believers, **with no believer existing on the earth other than them**. And whoever claims that other than this is ijma', upon him would be the burden of proof for what he claims, and he would have no way to prove it.

٩٦ مَسْأَلَةٌ: وَالْإِجْمَاعُ هُوَ مَا تُثَبِّتُ أَنْ جَمِيعَ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَرَفُوهُ - وَقَالُوا بِهِ وَلَمْ يَخْتَلَفْ مِنْهُمْ أَحَدٌ، كَتَبَيْتُنَا أَنَّهُمْ كُلُّهُمْ - رَضِيَ اللَّهُ عَنْهُمْ - صَلُّوا مَعَهُ - عَلَيْهِ السَّلَامُ - الصَّلَوَاتِ الْخَمْسَ كَمَا هِيَ فِي عَدَدِ رُكُوعِهَا وَسُجُودِهَا، أَوْ عَلِمُوا أَنَّهُ صَلَّاهَا مَعَ النَّاسِ كَذَلِكَ، وَأَنََّّهُمْ كُلُّهُمْ صَامُوا مَعَهُ، أَوْ عَلِمُوا أَنَّهُ صَامَ مَعَ النَّاسِ رَمَضَانَ فِي الْحَضَرِ. وَكَذَلِكَ سَائِرُ الشَّرَائِعِ الَّتِي ثَبَّتَتْ مِثْلَ هَذَا الْبَيِّنِ. وَالَّتِي مَنْ لَمْ يُعَرِّ بِهَا لَمْ يَكُنْ مِنَ الْمُؤْمِنِينَ وَهَذَا مَا لَا يَخْتَلَفُ أَحَدٌ فِي أَنَّهُ إِجْمَاعٌ. وَهُمْ كَانُوا حِينَئِذٍ جَمِيعَ الْمُؤْمِنِينَ لَا مُؤْمِنٍ فِي الْأَرْضِ غَيْرُهُمْ. وَمَنْ ادَّعَى أَنَّ غَيْرَ هَذَا هُوَ إِجْمَاعُ كُلِّ الْبُرْهَانِ عَلَى مَا يَدَّعِي وَلَا سَبِيلَ إِلَيْهِ.

## Issue 97:

And that which about it disagreement has been authentically narrated from one of them, or it is not certain that every last one of them(radi Allahu anhum) knew it and accepted\* it, then it is not consensus, because whoever claims consensus here has lied and pursued that of which he has no knowledge. And Allah ta'ala said: "And do not pursue that of which you have no knowledge."(from Surat al-Isra': 36).

٩٧ - مَسْأَلَةٌ: وَمَا صَحَّ فِيهِ خِلَافٌ مِنْ وَاحِدٍ مِنْهُمْ أَوْ لَمْ يُثَبِّتْ أَنْ كُلَّ وَاحِدٍ مِنْهُمْ - رَضِيَ اللَّهُ عَنْهُمْ - عَرَفَهُ وَدَانَ بِهِ فَلَيْسَ إِجْمَاعًا، لِأَنَّ مَنْ ادَّعَى [الْإِجْمَاعَ هَهُنَا فَقَدْ كَذَبَ وَفَقَا مَا لَا عِلْمَ لَهُ بِهِ. وَاللَّهُ تَعَالَى يَقُولُ: {وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ} [الإسراء: ٣٦].

## [Issue: It Is Not Possible For The People Of An Era To Have Consensus On A Falsehood For Even A Blink Of An Eye]

[مَسْأَلَةٌ لَا يَجُوزُ أَنْ يَجْمَعَ أَهْلُ عَصْرِ وَلَوْ طَرْفَةً عَيْنٍ عَلَى خَطِإٍ]

Issue 98: The consensus of the people of an era after them, their first to their last, on the ruling of a text not decided upon by ijma of the sahaba, and if it were possible to ascertain ijma of the people of an era after them, their first to their last, on the ruling of a text not decided upon by ijma of the sahaba, radi Allahu ‘anhum, would have been obligatory to take as conclusive truth and proof, and it would not be ijma\*.

٩٨ مَسْأَلَةٌ إجماع أهل عصر بعدهم أولهم عن آخرهم على حكم نص لا يقطع فيه بإجماع الصحابة ولو جاز أن يتبين إجماع أهل عصر بعدهم - أولهم عن آخرهم على حكم نص لا يقطع فيه بإجماع الصحابة - رضي الله عنهم - لوجب القطع بأنه حق وحجة وليس كان يكون إجماعاً.

As for taking it as definite truth and proof, this is because of what we mentioned before with its isnad, of the saying of Allah’s messenger(sallallahu alayhi wa sallam) “A group of my Ummah will not cease to be manifest/victorious upon the truth, those who forsake them not harming them, until the command of Allah comes.”

أما القطع بأنه حق وحجة فلما ذكرناه قبل بإسناده من قول رسول الله - صلى الله عليه وسلم - «لن تزال طائفة من أمتي ظاهرة على الحق لا يضرهم من خذلهم حتى يأتي أمر الله» فصَحَّ مِنْ هَذَا أَنَّهُ لَا يَجُوزُ اللَّبَنَةُ أَنْ يَجْمَعَ أَهْلُ عَصْرِ وَلَوْ طَرْفَةً عَيْنٍ عَلَى خَطِإٍ، وَلَا بُدَّ مِنْ قَائِلٍ بِالْحَقِّ فِيهِمْ.

And as for it not being ijma’, then it is because the people of every era after the era of the sahaba, radi Allahu anhum, are not all of the believers, rather they are only some of the believers, and ijma’ can only be the ijma’ of all of the believers, not ijma’ of some of them. And if it were permissible to call it an ijma’ if one person from the whole is excluded of whom it is not known whether they agree with the rest or disagree with them, then it would be permissible to call it an ijma’ if two, three, or four were excluded from it. And it would go on like this until it would be permitted to call the opinion of one person an ijma’. And this is falsehood.

وَأَمَّا أَنَّهُ لَيْسَ إِجْمَاعًا، فَلَأَنَّ أَهْلَ كُلِّ عَصْرِ بَعْدَ عَصْرِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَيْسَ جَمِيعُ الْمُؤْمِنِينَ وَإِنَّمَا هُمْ بَعْضُ الْمُؤْمِنِينَ وَالْإِجْمَاعُ إِنَّمَا هُوَ إِجْمَاعُ جَمِيعِ الْمُؤْمِنِينَ لَا إِجْمَاعُ بَعْضِهِمْ. وَلَوْ جَازَ أَنْ يُسَمَّى إِجْمَاعًا مَا خَرَجَ عَنِ الْجُمْلَةِ وَاجِدٌ لَا يُعْرِفُ أَتَوَافَقُ سَائِرُهُمْ أَمْ يُخَالِفُهُمْ لَجَازَ أَنْ يُسَمَّى إِجْمَاعًا مَا خَرَجَ عَنْهُمْ فِيهِ اثْنَانِ وَثَلَاثَةٌ وَأَرْبَعَةٌ. وَهَكَذَا أَبَدًا إِلَى أَنْ يَرْجِعَ الْأَمْرُ إِلَى أَنْ يُسَمَّى إِجْمَاعًا مَا قَالَهُ وَاجِدٌ. وَهَذَا بَاطِلٌ.

But there is no way to ascertain a consensus of the people of an era after the sahaba, radi Allahu ‘anhum, likewise. Rather they were an amount possible to limit and define precisely, and it was possible to ascertain\* their sayings in an issue. And from Allah ta’ala is all success. Some of the people said: That is known from where the approval of the companions of Malik, Abu Hanifah, and ash-Shafi’i of those people’s sayings is known. Ali said: And this is a mistake because there can’t\* be an issue that one of those scholars held a view about, except that among his companions there could be he who disagrees with him in it, even if he agrees with him in the rest of his sayings.

وَلَكِنْ لَا سَبِيلَ إِلَى تَبَيُّنِ إِجْمَاعِ أَهْلِ عَصْرِ بَعْدَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - كَذَلِكَ. بَلْ كَانُوا عَدَدًا مُمَكِّنًا حَصْرُهُ وَضَبْطُهُ أَقْوَالِهِمْ فِي الْمَسْأَلَةِ. وَيَأْتِيهِ تَعَالَى التَّوْفِيقُ. وَقَالَ بَعْضُ النَّاسِ: يُعْلَمُ ذَلِكَ مِنْ حَيْثُ يُعْلَمُ رِضَا أَصْحَابِ مَالِكٍ وَأَصْحَابِ أَبِي حَنِيفَةَ وَأَصْحَابِ الشَّافِعِيِّ بِأَقْوَالِ هَؤُلَاءِ. قَالَ عَلِيٌّ: وَهَذَا خَطَأٌ لِأَنَّهُ لَا سَبِيلَ أَنْ يَكُونَ مَسْأَلَةً قَالَ بِهَا أَحَدٌ مِنْ هَؤُلَاءِ الْفُقَهَاءِ إِلَّا وَفِي أَصْحَابِهِ مَنْ يُمَكِّنُ أَنْ يُخَالِفَهُ فِيهَا وَإِنْ وَافَقَهُ فِي سَائِرِ أَقْوَالِهِ.

## [Issue: The People Differed Or One Of Them Differed In A Certain Issue]

[مَسْأَلَةٌ اخْتَلَفَ النَّاسُ أَوْ نَارَعَ وَاجِدٌ فِي مَسْأَلَةٍ مَا]

Issue 99: And what is obligatory when the people differ or one of them disagrees in a certain issue, is that the matter is returned to the Qur’an and the Sunnah of Allah’s messenger(sallallahu alayhi wa sallam), not anything other than them\*. And it is not permissible to return to the actions of the people of Madinah, nor other than them. The proof of that is the saying of Allah ‘azza wa jal: “O you who have believed, obey Allāh and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day.”(from Surat al-Nisa: 59).

٩٩ مَسْأَلَةٌ: وَالْوَاجِبُ إِذَا اخْتَلَفَ النَّاسُ أَوْ نَارَعَ وَاجِدٌ فِي مَسْأَلَةٍ مَا أَنْ يَرْجِعَ إِلَى الْقُرْآنِ وَسُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا إِلَى شَيْءٍ - غَيْرِهِمَا. وَلَا يَجُوزُ الرُّجُوعُ إِلَى عَمَلِ أَهْلِ الْمَدِينَةِ وَلَا غَيْرِهِمْ. بَرُّ هَٰذَا ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ {يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ [وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ] [النساء: ٥٩]}

So it is proven that in times of disagreement, it is not permissible to return to anything other than the speech of Allah ta'ala and the Sunnah of His messenger(sallallahu alayhi wa sallam), and in this is prohibition of returning to the saying of any person other than Allah's messenger(sallallahu alayhi wa sallam), because whoever returns to the saying of a person other than him(alayhissalam), has opposed the command of Allah ta'ala to return to Him and to His messenger, especially considering\* that Allah ta'ala said: "...if you should believe in Allāh and the Last Day."(from Surat al-Nisa: 59) and Allah ta'ala did not command that we return to the saying of some of the believers instead of all of them. And the khulafa', radi Allahu 'anhum, like Abu Bakr, 'Umar and 'Uthman were in Madinah,

فَصَحَّ أَنَّهُ لَا يَجِلُّ الرَّدُّ عِنْدَ التَّنَازُعِ إِلَى شَيْءٍ غَيْرِ كَلَامِ اللَّهِ تَعَالَى وَسُنَّةِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي هَذَا تَحْرِيمُ الرُّجُوعِ إِلَى قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، لِأَنَّ مَنْ رَجَعَ إِلَى قَوْلِ إِنْسَانٍ دُونَهُ - عَلَيْهِ السَّلَامُ - فَقَدْ خَالَفَ أَمْرَ اللَّهِ تَعَالَى بِالرَّدِّ إِلَيْهِ وَإِلَى رَسُولِهِ، لَا سِيَّمَا مَعَ تَعْلِيلِهِ تَعَالَى ذَلِكَ بِقَوْلِهِ: {إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ} [النساء: ٥٩] وَلَمْ يَأْمُرِ اللَّهُ تَعَالَى بِالرُّجُوعِ إِلَى قَوْلِ بَعْضِ الْمُؤْمِنِينَ دُونَ جَمِيعِهِمْ. وَقَدْ كَانَ الْخُلَفَاءُ - رَضِيَ اللَّهُ عَنْهُمْ - كَأَبِي بَكْرٍ وَعُمَرُ وَعُثْمَانُ بِالْمَدِينَةِ

and their workers in Yemen and Makkah and the rest of the lands, and the workers of 'Umar were in Basrah and Kufah and Egypt and al-Sham. And it is from certain and impossible\* falsehood which can never be, that they(radi Allahu 'anhum) could have folded the knowledge of what is obligatory and halal and haram from the rest of the lands and specified it for only the people of Madinah, for this is an evil descriptor which Allah ta'ala has given them refuge from. And the kings of Banu Umayyah had worked to drop some of the takbir from the prayer and to perform the khutbah before the prayer in the two Eids, until that spread in the land, so it is proven that there is no hujjah in the action of any person other than Allah's messenger(sallallahu alayhi wa sallam).

وَعَمَّالُهُمْ بِالْيَمَنِ وَمَكَّةَ وَسَائِرِ الْبِلَادِ وَعَمَّالُ عُمَرَ بِالْبَصْرَةِ وَالْكُوفَةِ وَمِصْرَ وَالشَّامِ. وَمِنْ الْبَاطِلِ الْمُتَّبَعِ الَّذِي لَا يُمَكِّنُ أَنْ يَكُونُوا - رَضِيَ اللَّهُ عَنْهُمْ - طَوَّوْا عِلْمَ الْوَاجِبِ وَالْحَلَالِ وَالْحَرَامِ عَنْ سَائِرِ الْأُمُصَارِ وَاخْتَصُّوا بِهِ أَهْلَ الْمَدِينَةِ، فَهَذِهِ صِفَةٌ سَوْءٍ قَدْ أَعَادَهُمُ اللَّهُ تَعَالَى مِنْهَا، وَقَدْ عَمِلَ مُلُوكُ بَنِي أُمَيَّةَ بِإِسْقَاطِ بَعْضِ النَّكْبِيرِ مِنَ الصَّلَاةِ وَبِتَقْدِيمِ الْخُطْبَةِ عَلَى الصَّلَاةِ فِي الْعِيدَيْنِ، حَتَّى فَشَا ذَلِكَ فِي الْأَرْضِ، فَصَحَّ أَنَّهُ لَا حُجَّةَ فِي -. عَمَلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

## [Issue: The Use Of Qiyas]

[مَسْأَلَةُ الْقَوْلِ بِالْقِيَاسِ]

Issue: And it is not permissible to use qiyas in the religion, nor to use ra'y, because the command of Allah that we return to His book and to His messenger(sallallahu alayhi wa sallam) in times of dissension, is proven, so whoever turns to qiyas and a ta'leel that he claims or to ra'y then he has gone against the command of Allah ta'ala which is connected to iman, and has turned to other than what Allah has commanded our turning to, and this is what it is.

مَسْأَلَةٌ: وَلَا يَجِلُّ الْقَوْلُ بِالْقِيَاسِ فِي الدِّينِ وَلَا بِالرَّأْيِ لِأَنَّ أَمْرَ اللَّهِ تَعَالَى عِنْدَ التَّنَازُعِ بِالرَّدِّ إِلَى كِتَابِهِ وَإِلَى رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ - صَحَّ، فَمَنْ رَدَّ إِلَى قِيَاسٍ وَإِلَى تَعْلِيلٍ يَدَّعِيهِ أَوْ إِلَى رَأْيٍ فَقَدْ خَالَفَ أَمْرَ اللَّهِ تَعَالَى الْمُعْلَقَ بِالْإِيمَانِ وَرَدَّ إِلَى غَيْرِ مَنْ أَمَرَ اللَّهُ تَعَالَى بِالرَّدِّ إِلَيْهِ، وَفِي هَذَا مَا فِيهِ.

Ali said: And the saying of Allah ta'ala: "We have not neglected in the Register a thing." (from Surat al-An'am: 38) and His, ta'ala, saying: "...as clarification for all things," (from Surat an-Nahl: 89) and His, ta'ala, saying: "...that you may make clear to the people what was sent down to them..." (from Surat an-Nahl: 44) and His, ta'ala, saying: "This day I have perfected for you your religion..." (from Surat al-Ma'ida: 3)

قَالَ عَلِيٌّ: وَقَوْلُ اللَّهِ تَعَالَى: {مَا فَرَطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ} [الأنعام: ٣٨] وَقَوْلُهُ تَعَالَى: {نَبِّينَا لِكُلِّ شَيْءٍ} [النحل: ٨٩] وَقَوْلُهُ تَعَالَى {لَتُنَبِّئَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] قَوْلُهُ تَعَالَى: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ} [المائدة: ٣]

are invalidation of qiyas and ra'y, because the people of qiyas and ra'y do not disagree on that it is not permissible to use them both as long as a text exists, and Allah ta'ala witnesses that nothing has been neglected in the texts, and that His messenger(alayhis-salatu wassalam) has made clear to the people everything that has been revealed to them,

إِبْطَالُ الْقِيَاسِ وَالرَّأْيِ؛ لِأَنَّهُ لَا يَخْتَلِفُ أَهْلُ الْقِيَاسِ وَالرَّأْيِ أَنَّهُ لَا يَجُوزُ اسْتِعْمَالُهُمَا مَا دَامَ يُوجَدُ نَصٌّ، وَقَدْ شَهِدَ اللَّهُ تَعَالَى بِأَنَّ النَّصَّ لَمْ يُفَرِّطْ فِيهِ شَيْئًا، وَأَنَّ رَسُولَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - قَدْ بَيَّنَّ لِلنَّاسِ كُلِّ مَا نُزِّلَ إِلَيْهِمْ

and that the religion has been perfected, so it is proven that the texts have fulfilled all of the religion, so if it is like that then no one can use qiyas or his opinion or the opinion of a person other than him as proof. And we ask those who use qiyas: Is every qiyas that a qiyasist makes correct, or does it contain both truth and falsehood?

وَأَنَّ الدِّينَ قَدْ كَمَلَ فَصَحَّ أَنَّ النَّصَّ قَدْ اسْتَوْفَى جَمِيعَ الدِّينِ، فَإِذَا كَانَ ذَلِكَ كَذَلِكَ فَلَا حَاجَةَ بِأَحَدٍ إِلَى قِيَاسٍ وَلَا إِلَى رَأْيٍ وَلَا إِلَى غَيْرِهِ. وَنَسْأَلُ مَنْ قَالَ بِالْقِيَاسِ: هَلْ كُلُّ قِيَاسٍ قَاسَهُ قَائِسٌ حَقٌّ، أَمْ مِنْهُ حَقٌّ وَمِنْهُ بَاطِلٌ

So if he says every qiyas is truth, that is impossible, because maqayees contradict each other and some of them invalidate others, and it is impossible for one thing and its opposite, of making something permissible or haram, to be also true along with it, and this is not a place of abrogation nor takhsis,

فَإِنْ قَالَ كُلُّ قِيَاسٍ حَقٌّ أَحَالَ، لِأَنَّ الْمَقَايِيسَ تَتَعَارَضُ وَيُبْطِلُ بَعْضُهَا بَعْضًا، وَمِنْ الْمَحَالِ أَنْ يَكُونَ الشَّيْءُ وَضِدُهُ مِنَ التَّحْرِيمِ وَالْتَحْلِيلِ حَقًّا مَعًا،  
وَلَيْسَ هَذَا مَكَانَ نَسْخٍ وَلَا تَخْصِيسٍ،

like contradictory reports of which some abrogate others, and some make takhsis of others. And if he says that of them is truth and of them is falsehood, it is to be said to him: Then inform us, how do you tell apart a correct qiyas from a corrupt one? And they have no way to find this at all, and if there is no evidence to distinguish the true qiyas from the invalid one,

كَأَلْأَخْبَارِ الْمُتَعَارِضَةِ الَّتِي يَنْسَخُ بَعْضُهَا بَعْضًا، وَيُخَصِّصُ بَعْضُهَا بَعْضًا. وَإِنْ قَالَ مِنْهَا حَقٌّ وَمِنْهَا بَاطِلٌ، قِيلَ لَهُ فَعَرَّفْنَا بِمَاذَا تَعْرِفُ الْقِيَاسَ  
الصَّحِيحَ مِنَ الْفَاسِدِ، وَلَا سَبِيلَ لَهُمْ إِلَى وُجُودِ ذَلِكَ أَبَدًا، وَإِذَا لَمْ يَوْجَدْ دَلِيلٌ عَلَى تَصْحِيحِ الصَّحِيحِ مِنَ الْقِيَاسِ مِنَ الْبَاطِلِ مِنْهُ،

then it is all invalid and becomes a claim without proof, so if they claim that Allah ta'ala has commanded us to make qiyas, they are to be asked: Where have they found that? If they say: Allah 'azza wa jal said: "So take warning, O people of vision," (from Surat al-Hashr: 2), it is to be said to them: **Indeed, i'tibar in the language of the Arabs, which Allah revealed the Qur'an in, does not mean anything except ta'ajjub.** Allah 'azza wa jal said: "And indeed for you in cattle is an example," (from Surat an-Nahl: 66) i.e an 'ajab.

فَقَدْ بَطَلَ كُلُّهُ وَصَارَ دَعْوَى بِلَا بُرْهَانٍ، فَإِنْ ادَّعَوْا أَنَّ الْقِيَاسَ قَدْ أَمَرَ اللَّهُ تَعَالَى بِهِ سَأَلُوا أَيْنَ وَجَدُوا ذَلِكَ، فَإِنْ قَالُوا: قَالَ اللَّهُ عَزَّ وَجَلَّ: {فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ} [الحشر: ٢] قِيلَ لَهُمْ: إِنَّ الْإِعْتِبَارَ لَيْسَ هُوَ فِي كَلَامِ الْعَرَبِ الَّذِي نَزَلَ بِهِ الْقُرْآنُ إِلَّا التَّعَجُّبُ، قَالَ اللَّهُ عَزَّ وَجَلَّ: {وَإِنْ لَكُمْ فِي الْأَنْعَامِ لَعِبْرَةٌ} [النحل: ٦٦] أَيْ لَعَجَبًا.

And Allah 'azza wa jal said: "There has indeed been in their stories an example," (from Surat Yusuf: 111), i.e an 'ajab, **and it would be strange for the meaning of i'tibar to be qiyas, and that Allah tells us to make qiyas, but does not make clear to us what we should analogize, nor how we should analogize, nor upon what we should analogize. There is no way for this to be possible because it is not within the capacity of any person to know anything of the religion except if Allah ta'ala teaches it to him upon the tongue of Allah's messenger(sallallahu alayhi wa sallam),**

وَقَالَ عَزَّ وَجَلَّ: {لَقَدْ كَانَ فِي قَصَصِهِمْ عِبْرَةٌ} [يوسف: ١١١] أَيْ عَجَبٌ، وَمِنْ الْعَجِيبِ أَنْ يَكُونَ مَعْنَى الْإِعْتِبَارِ الْقِيَاسَ، وَيَقُولُ اللَّهُ تَعَالَى لَنَا قِيَاسُوا، ثُمَّ لَا يُبَيِّنُ لَنَا مَاذَا نَقِيسُ وَلَا كَيْفَ نَقِيسُ وَلَا عَلَى مَاذَا نَقِيسُ. هَذَا مَا لَا سَبِيلَ إِلَيْهِ لِأَنَّهُ لَيْسَ فِي وَسْعِ أَحَدٍ أَنْ يَعْلَمَ شَيْئًا مِنَ الدِّينِ إِلَّا بِتَعْلِيمِ اللَّهِ - تَعَالَى لَهُ إِيَّاهُ عَلَى لِسَانِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،

and Allah ta'ala has said: "Allāh does not charge a soul except [with that within] its capacity." (from Surat al-Baqarah: 286) so if they mention ahadith and ayat which include one thing being likened to another thing, and that Allah has decreed and judged such-and-such matter because of such-and-such matter,

وَقَدْ قَالَ تَعَالَى: {لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا} [البقرة: ٢٨٦] فَإِنْ ذَكَرُوا أَحَادِيثَ وَآيَاتٍ فِيهَا تَشْبِيهُ شَيْءٍ بِشَيْءٍ، وَأَنَّ اللَّهَ قَضَى وَحَكَمَ بِأَمْرِ كَذَا، مِنْ أَجْلِ أَمْرِ كَذَا،

then we say to them: All that Allah ‘azza wa jal and His messenger(sallallahu alayhi wa sallam) said of that is truth, it is not permissible for anyone to go against it, and it is a text that we use as proof, and everything that you want to make similarity with in the religion and make ta’leel of, of things about which there are no texts from Allah ta’ala nor His messenger(alayhis-salatu wassalam), then it is falsehood, there is no way around that, and it is a legislation that was not permitted by Allah ta’ala,

فُلْنَا لَهُمْ: كُلُّ مَا قَالَهُ اللَّهُ عَزَّ وَجَلَّ وَرَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ ذَلِكَ فَهُوَ حَقٌّ لَا يَجِلُّ لِأَحَدٍ خِلَافُهُ، وَهُوَ نَصٌّ بِهِ نَقُولُ: وَكُلُّ مَا تُرِيدُونَ أَنْ تُشَبِّهُهُ فِي الدِّينِ وَأَنْ تُعَلِّلُوهُ مِمَّا لَمْ يَنْصُصَ عَلَيْهِ اللَّهُ تَعَالَى وَلَا رَسُولُهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فَهُوَ بَاطِلٌ وَلَا بُدَّ وَشَرَعَ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِ،

and this invalidates their intimidation through mentioning the ayah of the recompense for hunting and “What do you think if you rinse your mouth with water,” and “Because of that, We decreed upon the Children of Israel...”(from Surat al-Ma’idah: 32). And every ayah and hadith which they obfuscated with irad of it, it is also a proof against them as shown by what we clarified in the book “al Ihkam fi Usul al Ihkam” and in the book “al-Nukat”, and in the book “al-Durrah”, and in the book “al-Nubdhah”

وَهَذَا يُبْطِلُ عَلَيْهِمْ تَهْوِيلُهُمْ بِذِكْرِ آيَةِ جَزَاءِ الصَّيْدِ وَ «أَرَأَيْتَ لَوْ مَضْمَضْتَ» وَ {مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ} [المائدة: ٣٢] . وَكُلُّ آيَةٍ وَحَدِيثٍ مَوْهُوا بِإِيرَادِهِ هُوَ مَعَ ذَلِكَ حُجَّةٌ عَلَيْهِمْ عَلَى مَا قَدْ بَيَّنَّاهُ فِي كِتَابِ (الإحكام لأصول الأحكام) وَفِي كِتَابِ النُّكُتِ وَفِي كِتَابِ الدُّرَّةِ وَفِي كِتَابِ النُّبْذَةِ

Ali said: And we have shown them for every qiyas that they made, a qiyas like it, using their usul, which contradicts their qiyas, to show them the corruptness of qiyas as a whole, so some of them obfuscated by saying: You keep invalidating qiyas by using qiyas, and this means you are turning to qiyas and using it as proof,

قَالَ عَلِيٌّ: وَقَدْ عَارَضْنَاهُمْ فِي كُلِّ قِيَاسٍ قَاسُوهُ بِقِيَاسٍ مِثْلِهِ وَأَوْضَحَ مِنْهُ عَلَى أَصُولِهِمْ لِتُرْيَهُمْ فَسَادَ الْقِيَاسِ جُمْلَةً، فَمَوَّهَ مِنْهُمْ مُمَوِّهُونَ بِأَنْ قَالُوا: أَنْتُمْ دَائِبًا تُبْطِلُونَ الْقِيَاسَ بِالْقِيَاسِ، وَهَذَا مِنْكُمْ رُجُوعٌ إِلَى الْقِيَاسِ وَاحْتِجَاجٌ بِهِ،

so that means you are in the same position as those who use ‘aql to invalidate the arguments of those who use ‘aql, and who use evidence of nadhar to invalidate arguments based on nadhar,” Ali said: So we say: This is an disturbance that is easy to refute, and all praise be to Allah. We have not used qiyas as proof

وَأَنْتُمْ فِي ذَلِكَ بِمَنْزِلَةِ الْمُحْتَجِّ عَلَى غَيْرِهِ بِحُجَّةِ الْعَقْلِ لِيُبْطِلَ حُجَّةَ الْعَقْلِ وَبِدَلِيلٍ مِنَ النَّظَرِ لِيُبْطِلَ بِهِ النَّظَرَ قَالَ عَلِيٌّ: فَقُلْنَا هَذَا شَغَبٌ سَهْلٌ إِفْسَادُهُ وَاللَّهِ الْحَمْدُ، وَنَحْنُ لَمْ نَحْتَجْ بِالْقِيَاسِ

to invalidate qiyas with, and Allah’s refuge is to be sought from this, rather, we have shown you that your principle that you have established of considering a certain qiyas correct, testifies to the invalidity of all of your

qiyas. And there is no saying whose falsehood is more obvious than the saying which goes against itself. And Allah ta'ala has revealed scripture on this. He, ta'ala, said: "But the Jews and the Christians say, "We are the children of Allāh and His beloved." Say, "Then why does He punish you for your sins?" (from Surat al-Ma'idah: 18)

فِي إِبْطَالِ الْقِيَاسِ، وَمَعَاذَ اللَّهِ مِنْ هَذَا، لَكِنْ أَرَيْنَاكُمْ أَنَّ أَصْلَكُمْ الَّذِي أَثْبَتْتُمُوهُ مِنْ تَصْحِيحِ الْقِيَاسِ يَشْهَدُ بِفَسَادِ جَمِيعِ قِيَاسَاتِكُمْ. وَلَا قَوْلَ أَظْهَرَ بَاطِلًا مِنْ قَوْلِ أَكْذَبَ نَفْسَهُ. وَقَدْ نَصَّ تَعَالَى عَلَى هَذَا. فَقَالَ تَعَالَى: {وَقَالَتِ الْيَهُودُ وَالنَّصَارَى نَحْنُ أَبْنَاءُ اللَّهِ وَأَحِبَّاؤُهُ قُلْ فَلِمَ يُعَذِّبُكُمْ بِذُنُوبِكُمْ} [المائدة: ١٨]

so this is not a verification of their saying that they are sons of Allah and beloved to Him. Rather it shows what\* their saying is corrupt with, and in that, we are not like those you have mentioned of those who use arguments from the 'aql to invalidate arguments of the 'aql. Rather the one who does that verifies his aql-based issue which he wants to use as an argument, so his contradiction becomes apparent closely. And he has no argument other than that, so the invalidity of his saying becomes clear. And as for us, we have not used a qiyas we consider correct, as our argument to invalidate qiyas at all.

فَلَيْسَ هَذَا تَصْحِيحًا لِقَوْلِهِمْ إِنَّهُمْ أَبْنَاءُ اللَّهِ وَأَحِبَّاؤُهُ. وَلَكِنْ إِرَامٌ لَهُمْ مَا يَفْسُدُ بِهِ قَوْلُهُمْ وَلَسْنَا فِي ذَلِكَ كَمَنْ ذَكَرْتُمْ مِمَّنْ يَحْتَجُّ فِي إِبْطَالِ حُجَّةِ الْعَقْلِ بِحُجَّةِ الْعَقْلِ. لَكِنْ فَاعِلُ ذَلِكَ مُصَحِّحٌ لِقَضِيَّتِهِ الْعَقْلِيَّةِ الَّتِي يَحْتَجُّ بِهَا فَظَهَرَ تَنَاقُضُهُ مِنْ قَرِيبٍ. وَلَا حُجَّةَ لَهُ غَيْرَهَا فَقَدْ ظَهَرَ بَطْلَانُ قَوْلِهِ. وَأَمَّا نَحْنُ فَلَمْ نَحْتَجْ قَطُّ فِي إِبْطَالِ الْقِيَاسِ بِقِيَاسٍ نَصَحَّحُهُ.

Rather we invalidate qiyas by using scripture and intellect-based proofs. Then we clarify its corruptness even more, by using it itself to show its contradiction as a whole only and the qiyas that we contradict your own qiyas with\*. We acknowledge its corruptness and the corruptness of your qiyas which is like it or weaker than it.

لَكِنْ نُبْطِلُ الْقِيَاسَ بِالنُّصُوصِ وَبِبَرَاهِينِ الْعَقْلِ. ثُمَّ نَزِيدُ بَيَانًا فِي فُسَادِهِ مِنْهُ نَفْسِهِ بِأَنْ نُرِيَ تَنَاقُضَهُ جُمْلَةً فَقَطَّ وَالْقِيَاسَ الَّذِي نَعَارِضُ بِهِ قِيَاسَكُمْ. نَحْنُ نَقْرُؤُ بِفُسَادِهِ وَفُسَادِ قِيَاسِكُمْ الَّذِي هُوَ مِثْلُهُ أَوْ أضعفُ مِنْهُ.

This is similar to how we argue against the people of every discourse from the Mu'tazilah, Rafidhah, Murji'ah, Khawarij, Jews, Christians and Dahriyyah by using their own sayings which they claim to be true. So we show them the corruptness and contradiction of their sayings.

كَمَا نَحْتَجُّ عَلَى أَهْلِ كُلِّ مَقَالَةٍ مِنْ مُعْتَرِلَةٍ وَرَافِضَةٍ وَمُرْجِيَّةٍ وَخَوَارِجٍ وَيَهُودٍ وَنَصَارَى وَدَهْرِيَّةٍ مِنْ أَقْوَالِهِمُ الَّتِي يَشْهَدُونَ بِصِحَّتِهَا. فَنُرِيهِمْ تَنَاقُضَهَا وَتَفَاسُدهَا.

And you argue against them alongside us using that. And neither us or you are of those who accept those sayings that we use as proof against them, rather we consider them to be at the peak of falsehood and corruptness. And similar to how we argue against the Jews and Christians from their books which are in their hands. And we do not consider them correct. Rather we say that they are corrupted and changed. However we show them the contradiction of their usul and furu', particularly while all the companions of qiyas disagree in their analogies.

وَأَنْتُمْ تَحْتَجُّونَ عَلَيْهِمْ مَعَنَا بِذَلِكَ. وَلَسْنَا نَحْنُ وَلَا أَنْتُمْ مِمَّنْ يُقَرُّ بِتِلْكَ الْأَقْوَالِ الَّتِي نَحْتَجُّ عَلَيْهِمْ بِهَا، بَلْ هِيَ عِنْدَنَا فِي غَايَةِ الْبُطْلَانِ وَالْفَسَادِ. وَكَاحْتِجَاجِنَا عَلَى الْيَهُودِ وَالنَّصَارَى مِنْ كُتُبِهِمُ الَّتِي بِأَيْدِيهِمْ. وَنَحْنُ لَا نَصَحِّحُهَا. بَلْ نَقُولُ إِنَّهَا لَمُحَرَّفَةٌ مُبَدَّلَةٌ. لَكِنْ لِنُرِيَهُمْ تَنَاقُضَ أَصُولِهِمْ وَفُرُوعِهِمْ. لَا سِيَّمَا وَجَمِيعِ أَصْحَابِ الْقِيَاسِ مُخْتَلِفُونَ فِي قِيَاسَاتِهِمْ.

And there exists hardly a mas'ala, except that a group of them comes with a qiyas, claiming that it is true, which contradicts the qiyas of another group. And they are all agreed on that not every qiyas is correct, nor is every ra'y truth.

لَا تَكَادُ تُوجَدُ مَسْأَلَةٌ إِلَّا وَكُلُّ طَائِفَةٍ مِنْهُمْ تَأْتِي بِقِيَاسٍ تَدَّعِي صِحَّتَهُ تُعَارِضُ بِهِ قِيَاسَ الْآخَرَى. وَهُمْ كُلُّهُمْ مُعْتَرُونَ مُجْمِعُونَ عَلَى أَنَّهُ لَيْسَ كُلُّ قِيَاسٍ صَحِيحًا وَلَا كُلُّ رَأْيٍ حَقًّا.

So we say to them: Then give us the boundary of what is correct qiyas and correct ra'y, with which one can differentiate corrupt qiyas and corrupt ra'y from them. And bring us the boundary of correct 'illah, the only one you make qiyas upon, which differentiates it from corrupt 'illah. They stuttered and stammered.

فَقُلْنَا لَهُمْ: فَهَاتُوا حَدَّ الْقِيَاسِ الصَّحِيحِ وَالرَّأْيِ الصَّحِيحِ الَّذِي يَتَمَيَّزَانِ بِهِ مِنَ الْقِيَاسِ الْفَاسِدِ وَالرَّأْيِ الْفَاسِدِ. وَهَاتُوا حَدَّ الْعِلَّةِ الصَّحِيحَةِ الَّتِي لَا تَقْبَلُ مِنَ الْعِلَّةِ الْفَاسِدَةِ فَلَجَلُوا.

Ali said: And this is a place, which if it were tightened upon them in it, the corruptness of their saying as a whole becomes apparent. And there is no way for them to have a comprehensible answer at all. And from Allah ta'ala is all success. So if they come with a text about that, we say the text is truth, and as for what you want, adding it to the text with your opinions, is falsehood, and in this we disagree with you. And like this abadan.

قَالَ عَلِيٌّ: وَهَذَا مَكَانٌ إِنْ رُمَّ عَلَيْهِمْ فِيهِ ظَهَرَ فُسَادُ قَوْلِهِمْ جُمْلَةً. وَلَمْ يَكُنْ لَهُمْ إِلَى جَوَابِ بَعْضِهِمْ سَبِيلٌ أَبَدًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. فَإِنْ أَتَوْا فِي ذَلِكَ بِنَصٍّ قُلْنَا النَّصُّ حَقٌّ وَالَّذِي تُرِيدُونَ أَنْتُمْ إِضَافَتُهُ إِلَى النَّصِّ بِأَرَائِكُمْ بَاطِلٌ وَفِي هَذَا خُلُوفَتُمْ. وَهَكَذَا أَبَدًا.

So if they claim that the sahaba, radi Allahu anhum, had consensus on using qiyas, it is to be said to them: You have lied, rather the truth is that all of them had consensus on its falsehood.

فَإِنْ ادَّعَوْا أَنَّ الصَّحَابَةَ - رَضِيَ اللَّهُ عَنْهُمْ - أَجْمَعُوا عَلَى الْقَوْلِ بِالْقِيَاسِ قِيلَ لَهُمْ: كَذَبْتُمْ بَلْ الْحَقُّ أَنَّهُمْ كُلُّهُمْ أَجْمَعُوا عَلَى إِبْطَالِهِ.

The proof of their lying is that they are completely unable to find a hadith from any of the Sahaba, radi Allahu anhum, that he gave the command to use qiyas, at all, except in the false, fabricated, letter said to be narrated from 'Umar, radi Allahu anhu-

بُرْهَانُ كَذِبِهِمْ أَنَّهُ لَا سَبِيلَ لَهُمْ إِلَى وُجُودِ حَدِيثٍ عَنْ أَحَدٍ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنَّهُ أَطْلَقَ الْأَمْرَ بِالْقَوْلِ بِالْقِيَاسِ أَبَدًا إِلَّا فِي الرِّسَالَةِ - الْمَكْتُوبَةِ الْمُوضُوعَةِ عَلَى عُمَرَ - رَضِيَ اللَّهُ عَنْهُ.

and it says: “And know what things are resembling and similar, and make analogy on matters,” and this letter was not narrated by anyone other than Abd al-Malik bin al-Walid bin Ma’dan from his father, and he is to be dropped with no disagreement, and his father is more worthy of being dropped than him or is like him in deserving to be dropped,

فَإِنَّ فِيهَا: وَاعْرِفَ الْأَشْبَاهَ وَالْأَمْثَالَ وَقِسْ الْأُمُورَ وَهَذِهِ رِسَالَةٌ لَمْ يَرَوْهَا إِلَّا عَبْدُ الْمَلِكِ بْنُ الْوَلِيدِ بْنُ مَعْدَانَ عَنْ أَبِيهِ وَهُوَ سَاقِطٌ بَلَا خِلَافٍ وَأَبُوهُ، أَسْقَطُ مِنْهُ أَوْ هُوَ مِثْلُهُ فِي السُّقُوطِ،

so how could it be [true] while in this letter itself are things that they disagreed with ‘Umar , radi Allahu anhu, on, such as: “And the Muslims are trustworthy, each of them to one another, except one who is whipped for a hadd, or a dhaneen in wala’ or nasab.” And they do not claim this, meaning all those present of the companions of qiyas, the Hanafis, Shafi’is, and Malikis of them,

فَكَيْفَ وَفِي هَذِهِ الرِّسَالَةِ نَفْسُهَا أَشْيَاءُ خَالَفُوا فِيهَا عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - وَمِنْهَا قَوْلُهُ فِيهَا: وَالْمُسْلِمُونَ عُدُولٌ بَعْضُهُمْ عَلَى بَعْضٍ إِلَّا مَجْلُودًا فِي حَدٍّ أَوْ ظَنِينًا فِي وَلَاءٍ أَوْ نَسَبٍ. وَهُمْ لَا يَقُولُونَ بِهَذَا - يَعْنِي جَمِيعَ الْحَاضِرِينَ مِنْ أَصْحَابِ الْقِيَاسِ - حَقِيقَتَهُمْ وَشَافِعِيَّتَهُمْ وَمَالِكِيَّتَهُمْ،

and if the saying of ‘Umar, if it was authentic in that letter, was a proof for qiyas, then his saying that the Muslims are trustworthy, all of them, except one who is whipped for a hadd, would be a proof, and if his saying in that is not a proof,

وَإِنْ كَانَ قَوْلُ عُمَرَ - لَوْ صَحَّ فِي تِلْكَ الرِّسَالَةِ - فِي الْقِيَاسِ حُجَّةً، فَقَوْلُهُ فِي أَنَّ الْمُسْلِمِينَ عُدُولٌ كُلُّهُمْ إِلَّا مَجْلُودًا فِي حَدٍّ حُجَّةٌ، وَإِنْ لَمْ يَكُنْ قَوْلُهُ فِي ذَلِكَ حُجَّةً،

then his saying on qiyas would not be proof, if it were authentic, so how could it be so when it is not authentic. And as for the proof of the correctness of our saying about consensus of the Sahabah, radi Allahu anhum, on the invalidity of qiyas, then indeed no two disagree in that all of the Sahabah believe in the Qur’an, and in it is: “This day I have perfected for you your religion and completed My favor upon you...” (from Surat al-Ma’ida: 3) and “And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day.” (from Surat an-Nisa: 59)

فَلَيْسَ قَوْلُهُ فِي الْقِيَاسِ حُجَّةً، لَوْ صَحَّ فَكَيْفَ وَلَمْ يَصِحَّ. وَأَمَّا بُرْهَانُ صِحَّةِ قَوْلِنَا فِي إِجْمَاعِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - عَلَى إِبْطَالِ الْقِيَاسِ فَإِنَّهُ لَا يَخْتَلَفُ اثْنَانِ فِي أَنَّ جَمِيعَ الصَّحَابَةِ مُصَدِّقُونَ بِالْقُرْآنِ وَفِيهِ {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي} [المائدة: ٣] وَفِيهِ: {فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ} [النساء: ٥٩]

so it is from impossible falsehood that the sahabah would know about this and believe in it, then turn to qiyas and ra’y in the time of a dispute. Those of intellect do not think this of them, so how could it be so when it has been authentically narrated from al-Siddiq (radi Allahu anhu) that he said: “What earth would support me or what sky would shade me if I speak about the book of Allah using my opinion or what I have no knowledge of?”\*,

فَمَنْ الْبَاطِلُ الْمُحَالُ أَنْ يَكُونَ الصَّحَابَةُ - رَضِيَ اللَّهُ عَنْهُمْ - يَعْلَمُونَ هَذَا وَيُؤْمِنُونَ بِهِ، ثُمَّ يَرُدُّونَ عِنْدَ التَّنَازُعِ إِلَى قِيَاسٍ أَوْ رَأْيٍ. هَذَا مَا لَا يَطْنُهُ بِهِمْ دُوْ عَقْلٌ، فَكَيْفَ وَقَدْ ثَبَّتَ عَنِ الصَّدِيقِ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ قَالَ: أَيُّ أَرْضٍ تُقْلَنِي أَوْ أَيُّ سَمَاءٍ تُظِلُّنِي إِنْ قُلْتَ فِي آيَةٍ مِنْ كِتَابِ اللَّهِ بِرَأْيِي أَوْ بِمَا لَا أَعْلَمُ،

and it was authentically narrated from al-Faruq, radi Allahu anhu, that he said: “Find fault with ra’y on the religion, and indeed ra’y from us is assumption and artifice\*,” and from ‘Uthman, radi Allahu anhu, in a futya he gave: “It was only an

وَصَحَّ عَنِ الْفَارُوقِ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ قَالَ: اتَّهَمُوا الرَّأْيَ عَلَى الدِّينِ وَإِنَّ الرَّأْيَ مِمَّا هُوَ الظَّنُّ وَالتَّكَلُّفُ، وَعَنْ عُثْمَانَ - رَضِيَ اللَّهُ عَنْهُ - فِي فُتْيَا أَفْتَى بِهَا إِنَّمَا كَانَ

opinion I had, so whosoever wills can take it and whosoever wills can leave it.” And from Ali (radi Allahu anhu): “If the religion were according to opinion, then the underside of the khuff would be more deserving of being wiped than its top.” And from Sahl bin Hanif(radi Allahu anhu): “Oh people, find fault with your opinions on your religion.”

رَأْيًا رَأَيْتُهُ فَمَنْ شَاءَ أَخَذَ وَمَنْ شَاءَ تَرَكَهُ. وَعَنْ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ -: لَوْ كَانَ الدِّينُ بِالرَّأْيِ لَكَانَ أَسْفَلُ الْخُفِّ أَوْلَى بِالْمَسْحِ مِنْ أَعْلَاهُ. وَعَنْ سَهْلِ بْنِ حُنَيْفٍ - رَضِيَ اللَّهُ عَنْهُ -: أَيُّهَا النَّاسُ اتَّهَمُوا رَأْيَكُمْ عَلَى دِينِكُمْ.

And from ibn Abbas(radi Allahu anhuma): “Whoever speaks about the Qur’an with his opinion, then let him take his seat in the Fire,” and from Ibn Mas’ud (radi Allahu anhu): “I will say in it by striving with my opinion, so if it is correct then it is from Allah, and if it is incorrect, then it is from myself and from the Shaytan, and Allah and His messenger(sallallahu alayhi wa sallam) are free of it.”

وَعَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا -: مَنْ قَالَ فِي الْقُرْآنِ بِرَأْيِهِ فَلْيَتَّبِعُوا مَقْعَدَهُ مِنَ النَّارِ وَعَنْ ابْنِ مَسْعُودٍ - رَضِيَ اللَّهُ عَنْهُ -: سَأَقُولُ فِيهَا بِجَهْدِ رَأْيِي، فَإِنْ كَانَ صَوَابًا فَمِنْ اللَّهِ وَإِنْ كَانَ خَطَأً فَمِنِّي وَمِنْ الشَّيْطَانِ، وَاللَّهُ وَرَسُولُهُ بَرِيءٌ.

And from Mu’adh bin Jabal in a hadith: “Speech will be innovated, which is neither from Allah’s (‘azza wa jal) book, nor from the Sunnah of Allah’s messenger(sallallahu alayhi wa sallam), so be cautious of it\*, for indeed it is innovation and going astray.”

وَعَنْ مُعَاذِ بْنِ جَبَلٍ فِي حَدِيثٍ: يُبْنَدُ كَلَامًا لَيْسَ مِنْ كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَلَا مِنْ سُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِيَّاكُمْ وَإِيَّاهُ فَإِنَّهُ بِدْعَةٌ وَضَلَالَةٌ.

And on this nahw is every opinion narrated from the rest of the Sahabah (radi Allahu anhum) not on that it is ilzam(forcing), nor that it is [certain] truth, rather it is pointing to forgiveness or peacemaking or [virtuous]refraining only, not in the meaning of making something obligatory. And the hadith of Mu’adh, in which is: “I will do ijtihaad with my ra’y and spare no effort,”

وَعَلَى هَذَا النَّحْوِ كُلُّ رَأْيٍ رُوِيَ عَنْ بَعْضِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا عَلَى أَنَّهُ الْإِزَامُ وَلَا أَنَّهُ حَقٌّ، لَكِنَّهُ إِمَارَةٌ بِعَفْوٍ أَوْ صَلَاحٍ أَوْ تَوَرُّعٍ فَقَطَّ لَا ، عَلَى سَبِيلِ الْإِجَابِ. وَحَدِيثُ مُعَاذٍ الَّذِي فِيهِ أَجْتَهَدُ رَأْيِي وَلَا أَلُو

it is not authentic because no one other than al-Harith bin 'Amruw narrated it and he is majhul, we do not know who he is, from men of the people of Hims who he did not name, from Mu'adh.

لَا يَصِحُّ لِأَنَّهُ لَمْ يَرَوْهُ أَحَدٌ إِلَّا الْحَارِثُ بْنُ عَمْرِو وَهُوَ مَجْهُولٌ لَا نَدْرِي مَنْ هُوَ عَنْ رِجَالٍ مِنْ أَهْلِ جَمْصٍ لَمْ يُسَمِّهِمْ عَنْ مُعَاذٍ

And we have researched\* the isnads of all of these ahadith in the book we mentioned, and all praise be to Allah.

وَقَدْ تَفَقَّصْنَا أَسَانِيدَ هَذِهِ الْأَحَادِيثِ كُلَّهَا فِي كِتَابِنَا الْمَذْكُورِ وَلِلَّهِ تَعَالَى الْحَمْدُ

Ahmad bin Qasim narrated to us from Abu Qasim bin Muhammad>his grandfather Qasim bin Asbagh>Muhammad bin Isma'il al-Tirmidhi>Nu'aym bin Hammad>Abdullah bin al-Mubarak>'Isa bin Yunus>Abu Ishaq al-Sabi'i>Hurayz bin 'Uthman>Abd al-Rahman bin Jubayr bin Nufayr>his father that 'Awf bin Malik al-Ashja'i said: "Allah's messenger(sallallahu alayhi wa sallam) said:

حَدَّثَنَا أَحْمَدُ بْنُ قَاسِمٍ حَدَّثَنَا أَبُو قَاسِمٍ بْنُ مُحَمَّدٍ حَدَّثَنَا جَدِّي قَاسِمُ بْنُ أَصْبَغٍ أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ التِّرْمِذِيُّ حَدَّثَنَا نُعَيْمُ بْنُ حَمَادٍ أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ أَخْبَرَنَا عَيْسَى بْنُ يُونُسَ بْنُ أَبِي إِسْحَاقَ السَّبْيَعِيُّ - عَنْ حُرَيْرِ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نَفِيرٍ عَنْ أَبِيهِ عَنْ عَوْفِ بْنِ مَالِكٍ الْأَشْجَعِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

"My ummah will split into over seventy sects, the biggest of them in fitnah upon my ummah being a people who make qiyas of matters with their opinions, so they make halal what is haram, and they make haram what is halal."

. «تَفْتَرِقُ أُمَّتِي عَلَى بَضْعٍ وَسَبْعِينَ فِرْقَةً أَكْثَرُهُمْ فِتْنَةٌ عَلَى أُمَّتِي قَوْمٌ يَقْيِسُونَ الْأُمُورَ بِأَرَائِهِمْ فَيُحِلُّونَ الْحَرَامَ وَيُحَرِّمُونَ الْحَلَالَ» .

Ali said: And all of Shari'a is either something obligatory, which is sinful for one to leave off, or something impermissible, which is sinful to do, or something permissible, which is not sinful to do or to leave off doing. And what is permissible is divided into three divisions: Either an encouraged action, the doer of it is rewarded, and he who leaves it off is not being disobedient by doing so, or makruh; the person who leaves it off is rewarded, and the person who does it is not being disobedient by doing so, or mutlaq, he who does it is not rewarded, nor he who leaves off doing it.

قَالَ عَلِيٌّ: وَالشَّرِيعَةُ كُلُّهَا إِمَّا فَرَضٌ يُعْصَى مَنْ تَرَكَهُ. وَإِمَّا حَرَامٌ يُعْصَى مَنْ فَعَلَهُ وَإِمَّا مُبَاحٌ لَا يُعْصَى مَنْ فَعَلَهُ وَلَا مَنْ تَرَكَهُ. وَهَذَا الْمُبَاحُ يَنْقَسِمُ ثَلَاثَةً أَقْسَامٍ: إِمَّا مَنْدُوبٌ إِلَيْهِ يُؤْجَرُ مَنْ فَعَلَهُ وَلَا يُعْصَى مَنْ تَرَكَهُ. وَإِمَّا مَكْرُوهٌ يُؤْجَرُ مَنْ تَرَكَهُ وَلَا يُعْصَى مَنْ فَعَلَهُ. وَإِمَّا مُطْلَقٌ لَا يُؤْجَرُ مَنْ فَعَلَهُ وَلَا مَنْ تَرَكَهُ وَلَا يُعْصَى مَنْ فَعَلَهُ وَلَا مَنْ تَرَكَهُ.

And Allah ‘azza wa jal said: “It is He who created for you all of that which is on the earth.”(from Surat al-Baqarah: 29) and He, ta’ala, said: “...while He has explained in detail to you what He has forbidden you...”(from Surat al-An’am: 119)

[وَقَالَ عَزَّ وَجَلَّ: {خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا} [البقرة: ٢٩] وَقَالَ تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ} [الأنعام: ١١٩]

**So it is proven that every thing is halal except that for which it has been explained in detail that it is haram in the Quran or the Sunnah.**

فَصَحَّ أَنْ كُلَّ شَيْءٍ حَلَالٌ إِلَّا مَا فَصَّلَ تَحْرِيمُهُ فِي الْقُرْآنِ أَوْ السُّنَّةِ.

Abdullah bin Yusuf narrated to us from Ahmad bin Fath>Abd al-Wahhab bin Isa>Ahmad bin Muhammad>Ahmad bin Ali>Muslim bin al-Hajjaj>Zuhayr bin Harb>Yazid bin Harun>Al-Rabi’ bin Muslim al-Qurashi>Muhammad bin Ziyad>Abu Hurayrah that Allah’s messenger(sallallahu alayhi wa sallam) addressed the people\* and said:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُسُفَ حَدَّثَنَا أَحْمَدُ بْنُ قَنْحٍ حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ حَدَّثَنَا أَحْمَدُ بْنُ عَلِيٍّ حَدَّثَنَا مُسْلِمُ بْنُ الْحَجَّاجِ أَخْبَرَنِي زُهَيْرُ بْنُ حَرْبٍ حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ حَدَّثَنَا الرَّبِيعُ بْنُ مُسْلِمٍ الْفَرَسِيُّ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خَطَبَ فَقَالَ

“Oh people, indeed Allah has obligated Hajj upon you, so make Hajj, so a man said: “Is it every year, oh Allah’s messenger?” So he stayed silent until the man had repeated it three times, then Allah’s messenger(sallallahu alayhi wa sallam) said: If I had said yes, it would have become obligatory, and you would have not been able to do it. Leave me alone as long as I leave you[or with what I have left you]\*, for indeed those who were before you were only destroyed because of the large amount of their questioning and differing with their prophets, so if I order you with something then do what you can of it, and if I forbid you from something then leave it.” Ali said: So this hadith gathered all the ahkam of the religion,

أَيُّهَا النَّاسُ إِنَّ اللَّهَ قَدْ فَرَضَ عَلَيْكُمُ الْحَجَّ فَحُجُّوا، فَقَالَ رَجُلٌ أَكُلَّ عَامٍ يَا رَسُولَ اللَّهِ؟ فَسَكَتَ حَتَّى أَعَادَهَا ثَلَاثًا، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَوْ قُلْتُ نَعَمْ لَوَجِبَتْ وَلَمَّا اسْتَطَعْتُمْ، ذَرُونِي مَا تَرَكْتُكُمْ، فَإِنَّمَا هَلَاكُ مَنْ كَانَ قَبْلَكُمْ بِكَثْرَةِ سَوَالِهِمْ وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ، وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَدَعُوهُ» قَالَ عَلِيٌّ: فَجَمَعَ هَذَا الْحَدِيثُ جَمِيعَ أَحْكَامِ الدِّينِ،

the first of it with the last, so in it is that whatever the Prophet(sallallahu alayhi wa sallam) stayed silent on, and did not command us with it and did not forbid it, then it is allowed, and not haram nor fardh, and that what he ordered us with is fardh, and what he forbade is haram,

أُولَاهَا عَنْ آخِرِهَا، فَفِيهِ أَنَّ مَا سَكَتَ عَنْهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَمْ يَأْمُرْ بِهِ وَلَا نَهَى عَنْهُ فَهُوَ مُبَاحٌ وَلَيْسَ حَرَامًا وَلَا فَرَضًا، وَأَنَّ مَا أَمَرَ بِهِ فَهُوَ قَرَضٌ، وَمَا نَهَى عَنْهُ فَهُوَ حَرَامٌ،

and that what he ordered us with, then we only must do that which we are able to of it, and that if we do it once, that fulfills our obligation to do it, and we do not need to repeat it, so what need is there for anyone to use qiyas or opinion while there exists this clear clarification? And we praise Allah for the greatness of His blessing.

وَأَنَّ مَا أَمَرْنَا بِهِ فَإِنَّمَا يُلْزَمُنَا مِنْهُ مَا نَسْتَطِيعُ فَقَطُّ، وَأَنْ نَفْعَلَ مَرَّةً وَاحِدَةً تُؤَدِّي مَا أَلْزَمْنَا، وَلَا يُلْزَمُنَا تَكَرُّارُهُ، فَأَيُّ حَاجَةٍ بِأَحَدٍ إِلَى قِيَاسٍ أَوْ رَأْيٍ مَعَ هَذَا الْبَيَانِ الْوَاضِحِ، وَنَحْمَدُ اللَّهَ عَلَى عَظَمِ نِعَمِهِ.

So if someone says: It is not permissible to invalidate the use of qiyas except unless we find a prohibition of using it in the Quran, then we say: We have found for you the proof as a text about that, and that during a dispute only the Quran and sunnah are to be turned to, and Allah ta'ala said: "Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies." (from Surat al-A'raf: 3) and He, ta'ala, said: "So do not assert similarities to Allāh. Indeed, Allāh knows and you do not know." (Surat an-Nahl: 74) and qiyas is asserting similarities in the religion of Allah ta'ala. Then it is to be said to them: Indeed

فَإِنْ قَالَ قَائِلٌ: لَا يَجُوزُ إِبْطَالُ الْقَوْلِ بِالْقِيَاسِ إِلَّا حَتَّى تُوجَدُونََا تَحْرِيمَ الْقَوْلِ بِهِ نَصًّا فِي الْقُرْآنِ. قُلْنَا لَهُمْ: قَدْ أَوْجَدْنَا لَكُمْ الْبُرْهَانَ نَصًّا بِذَلِكَ وَبِأَنْ لَا يَرِدُ التَّنَازُعُ إِلَّا إِلَى الْقُرْآنِ وَالسُّنَّةِ فَقَطُّ، وَقَالَ تَعَالَى: {اتَّبِعُوا مَا أَنْزَلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِنْ دُونِهِ أَوْلِيَاءَ} [الأعراف: ٣] وَقَالَ تَعَالَى: {فَلَا تَضْرِبُوا لِلَّهِ الْأَمْثَالَ إِنَّ اللَّهَ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ} [النحل: ٧٤] وَالْقِيَاسُ ضَرْبُ أَمْثَالٍ فِي الدِّينِ لِلَّهِ تَعَالَى. ثُمَّ يُقَالُ لَهُمْ: إِنْ

the Shias have disagreed you with similar to this; they said to you: It is not permissible to say that ilham is invalid nor that ittiba' of the imam is invalid except until you find for us forbiddance of that in a text, or people of every saying say that to you about doing taqleed of every person bi'aynih. How do you differentiate between them? Rather the truth is that it is not permissible to say about Allah ta'ala that He made something haram, or halal, or obligated something, except if there is a text proving that only. And from Allah ta'ala is all success.

عَارَضَكُمْ الرِّوَاغِضُ بِمِثْلِ هَذَا فَقَالُوا لَكُمْ: لَا يَجُوزُ الْقَوْلُ بِإِبْطَالِ الْإِلْهَامِ وَلَا بِإِبْطَالِ اتِّبَاعِ الْإِمَامِ إِلَّا حَتَّى تُوجَدُوا لَنَا تَحْرِيمَ ذَلِكَ نَصًّا، أَوْ قَالَ لَكُمْ ذَلِكَ أَهْلُ كُلِّ مَقَالَةٍ فِي تَقْلِيدِ كُلِّ إِنْسَانٍ بِعَيْنِهِ. بِمَاذَا تَنْفَعِلُونَ؟ بَلِ الْحَقُّ أَنَّهُ لَا يَحِلُّ أَنْ يُقَالَ عَلَى اللَّهِ تَعَالَى أَنَّهُ حَرَّمَ أَوْ حَلَّلَ أَوْ أَوْجَبَ إِلَّا بِنَصٍّ فَقَطُّ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

## [Issue: The Actions Of The Prophet(sallallahu ‘alayhi wa sallam) Are Not Obligatory Unless It Has Been Clarified That We Are Commanded With Them]

[مَسْأَلَةٌ أَفْعَالُ النَّبِيِّ لَيْسَتْ فَرَضًا إِلَّا مَا كَانَ مِنْهَا بَيَانًا لِأَمْرٍ]

Issue 101: And the actions of the Prophet(sallallahu ‘alayhi wa sallam) are not obligatory, unless there is from them a clarification that they are commanded to us, then in that case it is a command, however, there is goodness in taking him(alayhissalam) as an example\*. And the proof of that is this narration that we have mentioned above, about that we do not have to do anything except that which he commanded us to do or forbade us from doing, and that what he stayed silent about is forgiven and dropped for\* us. And Allah ‘azza wa jal said: “There has certainly been for you in the Messenger of Allāh an excellent pattern...”(from Surat al-Ahzab: 21).

١٠١ مَسْأَلَةٌ: وَأَفْعَالُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَيْسَتْ فَرَضًا إِلَّا مَا كَانَ مِنْهَا بَيَانًا لِأَمْرٍ فَهُوَ جَيِّزٌ أَمْرٌ، لَكِنَّ الْإِتِّسَاءَ بِهِ - عَلَيْهِ السَّلَامُ - فِيهَا - حَسَنٌ. وَبُرْهَانُ ذَلِكَ هَذَا الْخَبَرُ الَّذِي ذَكَرْنَا أَنْفَاءً مِنْ أَنَّهُ لَا يَلْزَمُنَا شَيْءٌ إِلَّا مَا أَمَرَنَا بِهِ أَوْ نَهَانَا عَنْهُ، وَأَنَّ مَا سَكَتَ عَنْهُ فَعَفُوٌّ سَاقِطٌ عَنَّا، وَقَالَ عَزَّ وَجَلَّ: {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ} [الأحزاب: ٢١].

## [Issue: It Is Not Permissible For Us To Follow The Shari’ah Of Any Prophet Before Our Prophet(sallallahu alayhi wa sallam)]

[مَسْأَلَةٌ لَا يَحِلُّ لَنَا اتِّبَاعُ شَرِيعَةِ نَبِيِّ قَبْلَ نَبِيِّنَا]

Issue 102: And it is not permissible for us to follow the shari’ah of a prophet before our prophet(sallallahu alayhi wa sallam). Allah ‘azza wa jal said: “To each of you We prescribed a law and a method.”(from Surat al-Ma’idah:

48). Ahmad bin Muhammad bin al-Jasur narrated to us from Wahb bin Masarrah>Muhammad bin Waddah>Abu Bakr bin Abi Shaybah>Hushaym>Sayyar>Yazid al-Faqir>Jabir bin 'Abdullah that the Prophet(sallallahu 'alayhi wa sallam) said: "I have been given five things which were not given to any before me. -1. Allah made me victorious by awe (by His frightening my enemies) for a distance of one month's journey. -2. The earth has been made for me a place for praying and tahooran, therefore any man from my Ummah can pray wherever the time of a prayer is due. -3. The spoils of war have been made Halal (lawful) for me and was not made so for anyone before me. -4. I have been given the right of intercession. -5. Every prophet used to be sent to his nation exclusively but I have been sent to all mankind.\*

١٠٢ مَسْأَلَةٌ: وَلَا يَجِلُّ لَنَا اتِّبَاعُ شَرِيعَةِ نَبِيِّ قَبْلَ نَبِيِّنَا - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ عَزَّ وَجَلَّ: {لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا} [المائدة: ٤٨] - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ الْجَسُورِ حَدَّثَنَا وَهْبُ بْنُ مَسْرَةَ حَدَّثَنَا مُحَمَّدُ بْنُ وَصَّاحٍ حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا هُشَيْمٌ أَخْبَرَنَا سَيَّارٌ عَنْ يَزِيدَ الْفَقِيرِ أَخْبَرَنَا جَابِرُ بْنُ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «أُعْطِيتُ خَمْسًا لَمْ يُعْطَهُنَّ أَحَدٌ قَبْلِي: نُصِرْتُ بِالرُّعْبِ مَسِيرَةَ شَهْرٍ، وَجُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا، فَأَيُّمَا رَجُلٍ مِنْ أُمَّتِي أَدْرَكْتُهُ الصَّلَاةَ فَلْيُصَلِّ، وَأُجِلَّتْ لِي الْعَنَاءُ وَلَمْ تَجَلْ لِأَحَدٍ قَبْلِي، وَأُعْطِيتُ الشَّفَاعَةَ، وَكَانَ النَّبِيُّ «يُبْعَثُ إِلَى قَوْمِهِ خَاصَّةً وَيُبْعَثُ إِلَى النَّاسِ عَامَّةً

So if it is proven that all of the prophets(alayhim assalam) were sent to their peoples in specific, then it is proven that their legislations are obligatory only on those they were sent to, and if they were not sent to us then they did not at all address us with anything, nor did they command us or forbid us, and if they commanded us and forbade us and addressed us then our prophet(sallallahu alayhi wa sallam) would not have had fadeelah over them in this matter.\*

فَإِذَا صَحَّ أَنَّ الْأَنْبِيَاءَ - عَلَيْهِمُ السَّلَامُ - لَمْ يُبْعَثْ أَحَدٌ مِنْهُمْ إِلَّا إِلَى قَوْمِهِ خَاصَّةً، فَقَدْ صَحَّ أَنَّ شَرَائِعَهُمْ لَمْ تَلْزَمْ إِلَّا مَنْ يُعْثُوا إِلَيْهِ فَقَطْ، وَإِذَا لَمْ يُبْعَثُوا إِلَيْنَا فَلَمْ يُخَاطَبُونَا قَطُّ بِشَيْءٍ وَلَا أَمْرُونَا وَلَا نَهَوْنَا وَلَوْ أَمْرُونَا وَنَهَوْنَا وَخَاطَبُونَا لَمَا كَانَ لِنَبِيِّنَا - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَضِيلَةٌ عَلَيْهِمْ فِي هَذَا الْبَابِ.

And whoever holds that view has rejected this hadith and claimed this fadeelah which Allah ta'ala specified him with to be invalid, so if it has been established that those prophets(alayhissalam) did not address us with anything, then it is proven without doubt that their laws are not obligatory on us in principle, and from Allah ta'ala is all success.

وَمَنْ قَالَ بِهَذَا فَقَدْ كَذَّبَ هَذَا الْحَدِيثَ وَأَبْطَلَ هَذِهِ الْفَضِيلَةَ الَّتِي خَصَّهَ اللَّهُ تَعَالَى بِهَا، فَإِذَا قَدْ صَحَّ أَنَّهُمْ - عَلَيْهِمُ السَّلَامُ - لَمْ يُخَاطَبُوا بِشَيْءٍ، فَقَدْ صَحَّ يَقِينًا أَنَّ شَرَائِعَهُمْ لَا تَلْزَمُنَا أَصْلًا، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

## [Issue: It Is Not Permissible To Perform Taqlid Of Any Person, Living Or Dead]

[مَسْأَلَةٌ لَا يَحِلُّ لِأَحَدٍ أَنْ يُقَلِّدَ أَحَدًا لَا حَيًّا وَلَا مَيِّتًا]

Issue: And it is not permissible for anyone to do taqlid of any other person, whether alive or dead, and it is upon every person to make ijtihād according to his ability. So the one who asks about his religion, he only wants knowledge of what Allāh 'azza wa jal has obligated upon him in this religion, so it is obligatory upon him (even) if he were the most ignorant of creatures, to ask about the most knowledgeable people in his locality, the most knowledgeable in the religion that Allāh's messenger(sallallāhu alayhi wa sallam) came with. So if he is shown the knowledgeable person, so if [the knowledgeable person] gives him a fatwa, he should say to [the knowledgeable person]: "Is this what Allāh 'azza wa jal and His messenger(sallallāhu alayhi wa sallam) said?" So if the knowledgeable person says yes, then [the asker] should accept that and always act according to it. And if [the knowledgeable person] says to him "This is my opinion", or "This is Qiyās", or "This is the saying of so-and-so", mentioning one of the Sahābah or Tābi'in or an old or new faqīh, or if [the knowledgeable person] remains silent or scolds him or says "I don't know", then it is not permissible to accept [this person's] saying, rather [the asker] should ask someone else.

The evidence for this is the saying of Allāh 'azza wa jal: "Obey Allāh and obey the messenger and 'ulul 'amr among you", so Allāh 'azza wa jal did not order us to obey some of those in authority, so whoever does taqlid on a scholar or a group of scholars then he has not obeyed Allāh ta'ālā nor His messenger (sallallāhu alayhi wa sallam), nor 'ulul 'amr,

مَسْأَلَةٌ: وَلَا يَحِلُّ لِأَحَدٍ أَنْ يُقَلِّدَ أَحَدًا، لَا حَيًّا وَلَا مَيِّتًا، وَعَلَى كُلِّ أَحَدٍ مِنَ الْإِجْتِهَادِ حَسَبَ طَاقَتِهِ، فَمَنْ سَأَلَ عَنْ دِينِهِ فَإِنَّمَا يُرِيدُ مَعْرِفَةَ مَا أَلَزَمَهُ اللَّهُ عَزَّ وَجَلَّ فِي هَذَا الدِّينِ، ففَرْضَ عَلَيْهِ إِنْ كَانَ أَجْهَلَ الْبَرِيَّةِ أَنْ يُسْأَلَ عَنْ أَعْلَمِ أَهْلِ مَوْضِعِهِ بِالَّذِينَ الَّذِي جَاءَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، فَإِذَا ذَلَّ عَلَيْهِ سَأَلَهُ، فَإِذَا أَفْتَاهُ قَالَ لَهُ هَكَذَا قَالَ اللَّهُ عَزَّ وَجَلَّ وَرَسُولُهُ؟ فَإِنْ قَالَ لَهُ نَعَمْ أَخَذَ بِذَلِكَ وَعَمِلَ بِهِ أَبَدًا، وَإِنْ قَالَ لَهُ هَذَا رَأَيْي، أَوْ هَذَا قِيَاسٌ، أَوْ هَذَا قَوْلُ فُلَانٍ، وَذَكَرَ لَهُ صَاحِبًا أَوْ تَابِعًا أَوْ فَهِيهًا قَدِيمًا أَوْ حَدِيثًا، أَوْ سَكَتَ أَوْ انْتَهَرَهُ أَوْ قَالَ لَهُ لَا أَذْرِي، فَلَا يَحِلُّ لَهُ أَنْ يَأْخُذَ بِقَوْلِهِ، وَلَكِنَّهُ يُسْأَلُ غَيْرَهُ. بَرُّ هَٰذَا ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ} [النساء: ٥٩] فَلَمْ يَأْمُرْنَا عَزَّ وَجَلَّ قَطُّ بِطَاعَةِ بَعْضِ أُولِي الْأَمْرِ، فَمَنْ قَلَّدَ عَالِمًا أَوْ جَمَاعَةً عُلَمَاءَ فَلَمْ يُطِيعِ اللَّهَ تَعَالَى وَلَا رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا أُولِي الْأَمْرِ

and if he did not turn to those who we mentioned, he has opposed the command of Allah 'azza wa jal, and Allah 'azza wa jal did not order at all for some of the wali al-amr to be obeyed to the exclusion of others. So if it is said: Indeed, Allah 'azza wa jal said: "So ask the people of the message if you do not know." (from Surat al-Nahl: 43) and He, ta'ala, said: "...[remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious..." (from Surat al-Tawbah: 122)

وَإِذَا لَمْ يَرُدَّ إِلَى مَنْ ذَكَرْنَا فَقَدْ خَالَفَ أَمْرَ اللَّهِ عَزَّ وَجَلَّ وَلَمْ يَأْمُرُ اللَّهُ عَزَّ وَجَلَّ قَطُّ بِطَاعَةِ بَعْضِ أُولِي الْأَمْرِ دُونَ بَعْضٍ. فَإِنَّ اللَّهَ عَزَّ وَجَلَّ [قَالَ: {فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ} [النحل: ٤٣] وَقَالَ تَعَالَى: {لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ} [التوبة: ١٢٢]

we say: Yes, and Allah ‘azza wa jal did not order that the ra’y of he who separates to obtain understanding in his religion should be accepted, nor that the people of knowledge should be obeyed in their ra’y, nor in a religion that they legislate without permission from Allah ‘azza wa jal, and Allah ta’ala only ordered that one should ask the people of the message about what they know about, from message that was narrated from Allah ta’ala only, not about something someone who deserves no listening nor obedience said, and Allah ta’ala only commanded for warning to be accepted from he who separates to obtain understanding in his religion in what he obtained understanding in from Allah’s (ta’ala) religion which Allah’s messenger (sallallahu alayhi wa sallam) came with, not in a religion that Allah ‘azza wa jal did not legislate, and whoever claims that taqlid is obligatory for the common person upon the mufti, then he has claimed falsehood, and said a saying for which there is absolutely no text from the Qur’an or Sunnah to back it up, nor consensus nor qiyas, and whatever is like this then it is batil because it is a saying without evidence, rather the proof has come invalidating it, Allah ta’ala said, in criticism of a people who said: “Our Lord, indeed we obeyed our masters and our dignitaries, and they led us astray from the [right] way.” (from Surat al-Ahzab: 67), and ijtihad only means reaching effort\* in seeking out the religion of Allah ‘azza wa jal which he obligated on His slaves,

قُلْنَا: نَعَمْ، وَلَمْ يَأْمُرُ اللَّهُ عَزَّ وَجَلَّ أَنْ يُقْبَلَ مِنَ النَّافِرِ لِلتَّفَقُّهِ فِي الدِّينِ رَأْيُهُ، وَلَا أَنْ يُطَاعَ أَهْلُ الذِّكْرِ فِي رَأْيِهِمْ وَلَا فِي دِينٍ يَشْرَعُونَهُ لَمْ يَأْذَنْ بِهِ اللَّهُ عَزَّ وَجَلَّ، وَإِنَّمَا أَمَرَ تَعَالَى بِأَنْ يُسْأَلَ أَهْلُ الذِّكْرِ عَمَّا يَعْلَمُونَهُ فِي الذِّكْرِ الْوَارِدِ مِنْ عِنْدِ اللَّهِ تَعَالَى فَقَطُّ، لَا عَمَّنْ قَالَهُ مَنْ لَا سَمْعَ لَهُ وَلَا طَاعَةَ، وَإِنَّمَا أَمَرَ اللَّهُ تَعَالَى بِقَبُولِ نِذَارَةِ النَّافِرِ لِلتَّفَقُّهِ فِي الدِّينِ فِيمَا تَفَقَّهَ فِيهِ مِنْ دِينِ اللَّهِ تَعَالَى الَّذِي أَتَى بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا فِي دِينٍ لَمْ يَشْرَعْهُ اللَّهُ عَزَّ وَجَلَّ. وَمَنْ ادَّعَى وَجُوبَ تَقْلِيدِ الْعَامِيِّ لِلْمُفْتِي فَقَدْ ادَّعَى الْبَاطِلَ وَقَالَ قَوْلًا لَمْ يَأْتِ بِهِ قَطُّ نَصُّ قُرْآنٍ وَلَا سُنَّةٍ وَلَا إجماعٍ وَلَا قِيَاسٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ لِأَنَّهُ قَوْلٌ بِلا دَلِيلٍ، بَلِ الْبُرْهَانُ قَدْ جَاءَ بِإِبْطَالِهِ، قَالَ تَعَالَى دَائِمًا لِقَوْمٍ قَالُوا: {إِنَّا اطَّعْنَا سَادَتَنَا وَكَبَرَاءَنَا فَأَصَلَّوْنَا السَّبِيلَ} [الأحزاب: ٦٧] وَالْإِجْتِهَادُ إِنَّمَا مَعْنَاهُ بُلُوغُ الْجَهْدِ فِي طَلَبِ دِينِ اللَّهِ عَزَّ وَجَلَّ، الَّذِي أَوْجَبَهُ عَلَى عِبَادِهِ،

and by necessity, everyone who has a sound sense of feeling knows that a Muslim is not a Muslim except until he accepts that Allah ta’ala is his god, and that there is no other god but Him, and that Muhammad is Allah’s messenger (sallallahu alayhi wa sallam), sent with this religion to him and to other than him, so if there is no doubt in this, then every person on earth who asks about a new question about his religion, then he is only asking about what Allah ta’ala legislated in this matter, so if there is no doubt in this then it is obligatory for him to ask when he hears the futya: Is this how Allah and His messenger (sallallahu alayhi wa sallam) ruled? And he who knows what Islam is, is not incapable of doing this.... and from Allah ta’ala is all success.

وَبِالصَّرُورَةِ يَدْرِي كُلُّ ذِي حِسٍّ سَلِيمٍ أَنَّ الْمُسْلِمَ لَا يَكُونُ مُسْلِمًا إِلَّا حَتَّى يُفَرَّ بِأَنَّ اللَّهَ تَعَالَى إِلَهُهُ لَا إِلَهَ غَيْرُهُ، وَأَنَّ مُحَمَّدًا هُوَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِهَذَا الدِّينِ إِلَيْهِ وَإِلَى غَيْرِهِ، فَإِذَا لَا شَكَّ فِي هَذَا فَكُلُّ سَائِلٍ فِي الْأَرْضِ عَنْ نَازِلَةٍ فِي دِينِهِ، فَإِنَّمَا يُسْأَلُ عَمَّا حَكَمَ اللَّهُ تَعَالَى بِهِ فِي هَذِهِ النَّازِلَةِ، فَإِذَا لَا شَكَّ فِي هَذَا ففَرْضٌ عَلَيْهِ أَنْ يُسْأَلَ إِذَا سَمِعَ قُتْبًا: أَهَذَا حُكْمُ اللَّهِ وَحُكْمُ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ وَهَذَا لَا يَعْجِزُ عَنْهُ مَنْ يَدْرِي . مَا الْإِسْلَامُ، وَلَوْ أَنَّهُ كَمَا جَلِبَ مِنْ قَوْقُوا وَبِاللَّهِ التَّوْفِيقُ .

## [Issue: He Asked About The Most Knowledgeable People Of His Land In Religion]

[مَسْأَلَةٌ سَأَلَ عَنْ أَعْلَمِ أَهْلِ بَلَدِهِ بِالْدِّينِ]

Issue 104: And if it is said to him, when he asks about the most knowledgeable people in religion in his land: “This one has hadith from the Prophet(sallallahu ‘alayhi wa sallam), and this one uses ra’y and qiyas,” then let him ask the one who has hadith, and it is not permissible for him to ask the companion of ra’y in the first place\*.

١٠٤ - مَسْأَلَةٌ: وَإِذَا قِيلَ لَهُ - إِذَا سَأَلَ عَنْ أَعْلَمِ أَهْلِ بَلَدِهِ بِالْدِّينِ: هَذَا صَاحِبُ حَدِيثٍ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: وَهَذَا صَاحِبُ رَأْيٍ وَقِيَاسٍ: فَلْيَسْأَلْ صَاحِبَ الْحَدِيثِ، وَلَا يَجُلْ لَهُ أَنْ يَسْأَلَ صَاحِبَ الرَّأْيِ أَصْلًا.

The proof of that is the saying of Allah ‘azza wa jal: “This day I have perfected for you your religion...”(from Surat al-Ma’idah: 3) and His, ta’ala, saying: “...that you may make clear to the people what was sent down to them...”(from Surat al-Nahl: 44) so this, it is the religion, there is no religion other than that, and ra’y and qiyas are assumption, and assumption is batil. Ahmad bin Muhammad bin al-Jasur narrated to us from Ahmad bin Sa’id>ibn Waddah>Yahya bin Yahya>Malik>Abu al-Zinad>al-A’raj> Abu Hurayrah that Allah’s messenger(sallallahu alayhi wa sallam) said: “Be careful of assumption, for indeed assumption is the falsest of speech.”

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ} [المائدة: ٣] وَقَوْلُهُ تَعَالَى: {لَتُنَبِّئَ لِّلنَّاسِ مَا نَزَّلَ إِلَيْهِمْ} [النحل: ٤٤] فَهَذَا هُوَ الدِّينُ، لَا دِينَ سِوَى ذَلِكَ، وَالرَّأْيُ وَالْقِيَاسُ ظَنٌّ وَالظَّنُّ بَاطِلٌ. حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ الْجَسُورِ حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدٍ حَدَّثَنَا ابْنُ وَصَّاحٍ حَدَّثَنَا يَحْيَى بْنُ «يَحْيَى حَدَّثَنَا مَالِكٌ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «يَاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ»

Yunus bin Abdullah narrated to us from Yahya bin Malik bin ‘A’idh>Abu Abdullah bin Abu Hanifa>Abu Ja’far Ahmad bin Muhammad bin Salaamah al-Tahaawi>Yusuf bin Yazid al-Qaraateesee<Sa’eed bin Mansur>Jareer

bin Abd al-Majeed>al-Mughirah bin Muqsim that al-Shu'bi said: The Sunnah was not set out using measures of analogy(maqayees).

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا يَحْيَى بْنُ مَالِكٍ بْنُ عَائِدٍ أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ بْنُ أَبِي حَنِيفَةَ أَخْبَرَنَا أَبُو جَعْفَرٍ أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ سَلَامَةَ الطَّحَاوِيُّ حَدَّثَنَا  
يُوسُفُ بْنُ يَزِيدَ الْقَرَاطِيسِيُّ أَخْبَرَنَا سَعِيدُ بْنُ مَنْصُورٍ أَخْبَرَنَا جَرِيرُ بْنُ عَبْدِ الْمَجِيدِ عَنْ الْمُعِيرَةِ بْنِ مَقْسَمٍ عَنِ الشَّعْبِيِّ قَالَ: السُّنَّةُ لَمْ تُوضَعْ  
بِالْمَقَاطِيسِ.

Muhammad bin Sa'eed bin Nabaat narrated to us from Isma'il bin Ishaq al-Basri>Ahmad bin Sa'id bin  
Hazm>Muhammad bin Ibrahim bin Heywen al-Hijazi that Abdullah bin Ahmad bin Hanbal said: "I heard my  
father saying: A weak hadith is more beloved to us than ra'y."

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدٍ بْنُ نَبَاتٍ أَخْبَرَنَا  
إِسْمَاعِيلُ بْنُ إِسْحَاقَ الْبَصْرِيُّ أَخْبَرَنَا أَحْمَدُ بْنُ سَعِيدٍ بْنُ حَرْمٍ أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ حَبِوْنَ الْحِجَازِيُّ أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ:  
سَمِعْتُ أَبِي يَقُولُ: الْحَدِيثُ الضَّعِيفُ أَحَبُّ إِلَيْنَا مِنَ الرَّأْيِ.

Hamam bin Ahmad narrated to us from 'Abbas bin Asbagh>Muhammad bin 'Abd al-Malik bin  
Ayman>Abdullah bin Ahmad bin Hanbal said: "I asked my father about a man who is in a land where he does  
not find anyone except a companion of hadith who does not know the weak from the sahih, and a companion of  
ra'y, and some new matter occurs to him that he needs to ask about, who should he ask? My father said: He asks  
the companion of hadith and not the companion of ra'y, a weak hadith is stronger than the opinion of Abu  
Hanifah."

حَدَّثَنَا حَمَّامُ بْنُ أَحْمَدَ أَخْبَرَنَا عَبَّاسُ بْنُ أَصْبَغٍ حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي عَمْرٍاءَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: سَأَلْتُ أَبِي عَنْ الرَّجُلِ  
يَكُونُ بِلَدٍ لَا يَجِدُ فِيهِ إِلَّا صَاحِبَ حَدِيثٍ لَا يَعْرِفُ صَحِيحَهُ مِنْ سَقِيمِهِ وَأَصْحَابَ رَأْيٍ، فَتَنْزِلُ بِهِ النَّازِلَةُ مَنْ يَسْأَلُ؟ فَقَالَ أَبِي: يَسْأَلُ صَاحِبَ  
. الْحَدِيثِ وَلَا يَسْأَلُ صَاحِبَ الرَّأْيِ، ضَعِيفُ الْحَدِيثِ أَقْوَى مِنْ رَأْيِ أَبِي حَنِيفَةَ .

## [Issue: There Is No Hukm For Mistakes Nor For Forgetting]

[مَسْأَلَةٌ لَا حُكْمَ لِلْخَطَا وَلَا النَّسْيَانِ]

Issue 105: And there is no hukm for mistakes or forgetting, unless a hukm was laid out for them in the Qur'an or the Sunnah. Allah ta'ala said: "And there is no blame upon you for that in which you have erred but [only for] what your hearts intended." (from Surat al-Ahzab: 5) and He, 'azza wa jal, said: "Our Lord, do not impose blame upon us if we have forgotten or erred." (from Surat al-Baqarah: 286)

١٠٥ - مَسْأَلَةٌ: وَلَا حُكْمَ لِلْخَطَا وَلَا النَّسْيَانِ إِلَّا حَيْثُ جَاءَ فِي الْقُرْآنِ أَوْ السُّنَّةِ لِهُمَا حُكْمٌ قَالَ اللَّهُ تَعَالَى {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا

. [تَعَمَّدْتُمْ قُلُوبُكُمْ} [الأحزاب: ٥] وَقَالَ عَزَّ وَجَلَّ: {رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا} [البقرة: ٢٨٦]

## [Issue: Every Obligation That Allah Ta'ala Obligated On A Person]

[مَسْأَلَةٌ كُلُّ فَرَضٍ كَلَّفَهُ اللَّهُ تَعَالَى الْإِنْسَانَ]

Issue 106: And every obligation which Allah ta'ala obligated on a person, then if he is able to do it then he must do it, and if he is not able to do any of it then it is dropped for him, and if he is capable of doing some of it and unable to do some of it then the part he is incapable of doing is dropped for him and he is obligated to do what he is able to of it, whether it is much or little. The proof of that is the saying of Allah 'azza wa jal: "Allāh does not charge a soul except [with that within] its capacity." (from Surat al-Baqarah: 286) and the saying of Allah's messenger(sallallahu alayhi wa sallam): "If I order you with something, then perform of it what you are able to," and we have mentioned it previously with its isnad. And from Allah ta'ala is all success.

١٠٦ - مَسْأَلَةٌ: وَكُلُّ فَرَضٍ كَلَّفَهُ اللَّهُ تَعَالَى الْإِنْسَانَ، فَإِنْ قَدَرَ عَلَيْهِ لَزِمَهُ، وَإِنْ عَجَزَ عَنْ جَمِيعِهِ سَقَطَ عَنْهُ، وَإِنْ قَوِيَ عَلَى بَعْضِهِ وَعَجَزَ عَنْ بَعْضِهِ سَقَطَ عَنْهُ مَا عَجَزَ عَنْهُ وَلَزِمَهُ مَا قَدَرَ عَلَيْهِ مِنْهُ، سِوَاءِ أَفَلَهُ أَوْ أَكْثَرَهُ. بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ {لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا} [البقرة: ٢٨٦] وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وَقَدْ ذَكَرْنَاهُ قَبْلَ بِإِسْنَادِهِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ

## [Issue: It Is Not Permissible For Anyone To Do Something Of The Religion Which Has A Certain Time For It, In A Time Before Its Time]

[مَسْأَلَةٌ لَا يَجُوزُ أَنْ يَعْمَلَ أَحَدٌ شَيْئًا مِنَ الدِّينِ مُوقَّتًا بِوَقْتٍ قَبْلَ وَقْتِهِ]

Issue 107: And it is not permissible for anyone to perform an act of the religion which has a specified time for it, in a time before its time, and if there is a beginning to\* its time and and an end to its time, it is not permissible for it to be done before its time nor after its time. This is because of the saying of Allah ta'ala: "And whoever transgresses the limits of

Allāh has certainly wronged himself." (from Surat al-Talaq: 1), and Allah ta'ala said: "These are the limits of Allāh, so do not transgress them." (from Surat al-Baqarah: 229), and times are limits, so whoever transgresses, with regard to a certain act, the time limit that Allah ta'ala set for it, then he has transgressed the limits of Allah.

١٠٧ - مَسْأَلَةٌ: وَلَا يَجُوزُ أَنْ يَعْمَلَ أَحَدٌ شَيْئًا مِنَ الدِّينِ مُوقَّتًا بِوَقْتٍ قَبْلَ وَقْتِهِ فَإِنْ كَانَ الْأَوَّلُ مِنْ وَقْتِهِ وَالْآخِرُ مِنْ وَقْتِهِ لَمْ يَجُزْ أَنْ يَعْمَلَ قَبْلَ وَقْتِهِ وَلَا بَعْدَ وَقْتِهِ. لِقَوْلِ اللَّهِ تَعَالَى: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] وَقَالَ تَعَالَى: {تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا} [البقرة: ٢٢٩] وَالْأَوْقَاتُ حُدُودٌ، فَمَنْ تَعَدَّى بِالْعَمَلِ وَقْتَهُ الَّذِي حَدَّهُ اللَّهُ تَعَالَى لَهُ، فَقَدْ تَعَدَّى حُدُودَ اللَّهِ.

Abdullah bin Yusuf narrated to us from Ahmad bin Fath>Abd al-Wahhab bin Isa>Ahmad bin Muhammad>Ahmad bin 'Ali>Muslim bin al-Hajjaj>Ishaq bin Ibrahim (ibn Rahawayh)>Abu 'Amir al-'Aqadi>Abdullah bin Ja'far al-Zuhri that Sa'd bin Ibrahim bin Abd al-Rahman said: I asked al-Qasim bin Muhammad bin Abu Bakr al-Siddiq and he said:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ حَدَّثَنَا أَحْمَدُ بْنُ قَنْحٍ حَدَّثَنَا عَبْدُ الْوَهَّابُ بْنُ عِيسَى حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ أَخْبَرَنَا أَحْمَدُ بْنُ عَلِيٍّ أَخْبَرَنَا مُسْلِمُ بْنُ الْحَجَّاجِ أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ هُوَ ابْنُ رَاهُويه - عَنْ أَبِي عَامِرٍ الْعَقَدِيِّ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الزُّهْرِيُّ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: سَأَلْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ بْنِ أَبِي بَكْرٍ الصَّدِيقِ

‘A’ishah informed me that Allah’s messenger(sallallahu ‘alayhi wa sallam) said: “Whoever innovates an action in our matter that does not belong to it will have it rejected.”

«فَقَالَ: أَخْبَرْتُني عَائِشَةُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ

Ali said: And whoever is ordered by Allah ta’ala to perform an action in a time that He specified for it\*, and performs it in other than its time, either before or after the correct time, then he has performed an action contrary\* to what was commanded by Allah ta’ala and His messenger(sallallahu alayhi wa sallam), so it is rejected, invalid and not accepted,

قَالَ عَلِيٌّ: وَمَنْ أَمَرَهُ اللَّهُ تَعَالَى أَنْ يَعْمَلَ عَمَلًا فِي وَقْتٍ سَمَّاهُ لَهُ فَعَمَلَهُ فِي غَيْرِ ذَلِكَ الْوَقْتِ - إِمَّا قَبْلَ الْوَقْتِ وَإِمَّا بَعْدَ الْوَقْتِ - فَقَدْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُ اللَّهِ تَعَالَى وَلَا أَمْرُ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ مَرْدُودٌ بَاطِلٌ غَيْرُ مَقْبُولٍ،

and it is other than the action that he was ordered to do. If there comes a text saying that it is acceptable in another time, then that also becomes its time, and the only time that is not the correct time for the action, is a time that has no text in support of it[being the correct time for the action]. And from Allah ta’ala is all success.

وَهُوَ غَيْرُ الْعَمَلِ الَّذِي أَمَرَ بِهِ، فَإِنْ جَاءَ نَصٌّ بِأَنَّهُ يُجْزَى فِي وَقْتٍ آخَرَ فَهُوَ وَقْتُهُ أَيْضًا جَائِزٌ، وَإِنَّمَا الَّذِي لَا يَكُونُ وَقْتُ الْعَمَلِ فَهُوَ مَا لَا نَصَّ فِيهِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

## [Issue: The Mistaken Mujtahid Is Better To Allah Than The Muqallid With A Correct Conclusion]

[مَسْأَلَةُ الْمُجْتَهِدِ الْمُخْطِئِ أَفْضَلُ عِنْدَ اللَّهِ تَعَالَى مِنَ الْمُقَلِّدِ الْمُصِيبِ]

Issue 108: And the mistaken mujtahid is better to Allah ta’ala than the muqallid who comes to a correct conclusion. This is among the people of Islam exclusively, and as for other than the people of Islam, then there is no excuse for the mujtahid who uses an evidence nor for the muqallid, and they are both perished. The proof of that is what we have mentioned above with its isnad, of the saying of Allah’s messenger(sallallahu ‘alayhi wa sallam): “If the hakim makes ijtihaad and is mistaken, then for him is one reward.” and Allah’s condemnation of taqlid as a whole, so the muqallid is disobedient and the mujtahid is rewarded, and the person who follows

Allah's messenger(sallallahu 'alayhi wa sallam) is not a muqallid because he has done what Allah ta'ala ordered him to do. And the muqallid is only he who follows someone other than Allah's messenger(sallallahu 'alayhi wa sallam), because he has done that which Allah ta'ala did not order him to do. And as for people other than the people of Islam, then indeed Allah ta'ala says: "And whoever desires other than Islām as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers."(Surat Aali 'Imraan: 85).

١٠٨ - مَسْأَلَةٌ: وَالْمُجْتَهِدُ الْمُخْطِئُ أَفْضَلُ عِنْدَ اللَّهِ تَعَالَى مِنَ الْمُقَلِّدِ الْمُصِيبِ. هَذَا فِي أَهْلِ الْإِسْلَامِ خَاصَّةً، وَأَمَّا غَيْرُ أَهْلِ الْإِسْلَامِ فَلَا عُدْرَ لِلْمُجْتَهِدِ الْمُسْتَدِلِّ وَلَا لِلْمُقَلِّدِ، وَكِلَاهُمَا هَالِكٌ. بَرُّهَانُ هَذَا مَا ذَكَرْنَاهُ أَيْضًا بِإِسْنَادِهِ مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا اجْتَهَدَ الْحَاكِمُ فَأَخْطَأَ فَلَهُ أَجْرٌ» وَدَمَّ اللَّهُ التَّقْلِيدَ جُمْلَةً، فَالْمُقَلِّدُ عَاصٍ وَالْمُجْتَهِدُ مَأْجُورٌ، وَلَيْسَ مَنْ اتَّبَعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُقَلِّدًا لِأَنَّهُ فَعَلَ مَا أَمَرَهُ اللَّهُ تَعَالَى بِهِ. وَإِنَّمَا الْمُقَلِّدُ مَنْ اتَّبَعَ مَنْ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِأَنَّهُ فَعَلَ مَا لَمْ يَأْمُرْهُ اللَّهُ تَعَالَى بِهِ وَأَمَّا غَيْرُ أَهْلِ الْإِسْلَامِ فَإِنَّ اللَّهَ [تَعَالَى يَقُولُ: {وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ} آل عمران: ٨٥

## [Issue: The Truth Is In Only One Among The Opinions]

[مَسْأَلَةُ الْحَقِّ مِنَ الْأَقْوَالِ فِي وَاحِدٍ مِنْهَا]

Issue 109: And the truth out of the sayings, is in one of them, and the rest of them are error. And from Allah ta'ala is all success. Allah ta'ala said: "And what can be beyond truth except error?"(from Surat Yunus: 32) and He, ta'ala, said: "If it had been from [any] other than Allāh, they would have found within it much contradiction." (from Surat al-Nisa': 82) and Allah condemned\* differing when He said: "And do not be like the ones who became divided and differed..."(from Surat Aali 'Imraan: 105) and He said: "...and do not dispute and [thus] lose courage..."(from Surat al-Anfal: 46) and He said: "...as clarification for all things..."(from Surat al-Nahl: 89)so it is established that the truth among the sayings is what Allah ruled with\* out of them, and it is one saying which does not change, and that errors do not come from Allah 'azza wa jal. And whoever claims that all the sayings are truth and that every mujtahid is correct, then he has said a saying for which there is no proof in the Qur'an, Sunnah, consensus, or anything logical\*, and whatever is like this then it is batil, and it is also

invalidated by the saying of Allah's messenger(sallallahu 'alayhi wa sallam): "If the hakim does ijtihad and is mistaken [in it], then for him is one reward,"

١٠٩ - مَسْأَلَةٌ: وَالْحَقُّ مِنَ الْأَقْوَالِ فِي وَاحِدٍ مِنْهَا وَسَائِرُهَا خَطَأٌ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. قَالَ اللَّهُ تَعَالَى: {فَمَاذَا بَعَدَ الْحَقُّ إِلَّا الضَّلَالُ} [يونس: ٣٢] وَقَالَ تَعَالَى: {وَلَوْ كَانَ مِنْ عِنْدِ اللَّهِ لَوْجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا} [النساء: ٨٢] وَدَّمَ اللَّهُ الْاِخْتِلَافَ فَقَالَ {وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا} [آل عمران: ١٠٥] وَقَالَ: {وَلَا تَنَازَعُوا فَتَفْشَلُوا} [الأنفال: ٤٦] وَقَالَ: {تَبَيَّنَا لِكُلِّ شَيْءٍ} [النحل: ٨٩] فَصَحَّ أَنَّ الْحَقَّ فِي الْأَقْوَالِ مَا حَكَمَ اللَّهُ تَعَالَى بِهِ فِيهِ، وَهُوَ وَاحِدٌ لَا يَخْتَلِفُ، وَأَنَّ الْخَطَأَ مَا لَمْ يَكُنْ مِنْ عِنْدِ اللَّهِ عَزَّ وَجَلَّ. وَمَنْ ادَّعَى أَنَّ الْأَقْوَالَ كُلَّهَا حَقٌّ وَأَنَّ كُلَّ مُجْتَهِدٍ مُصِيبٌ، فَقَدْ قَالَ قَوْلًا لَمْ يَأْتِ بِهِ فُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ «وَلَا مَعْقُولٌ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ، وَيُبْطِلُهُ أَيْضًا قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا اجْتَهَدَ الْحَاكِمُ فَأَخْطَأَ فَلَهُ أَجْرٌ

so he, alayhissalam, stated\* that a mujtahid can be mistaken. And whoever says: "Indeed, the people are only given the duty of\* their ijtihad," has erred, rather they were only given the duty of coming to the correct\* conclusion of what Allah ordered. Allah 'azza wa jal said: "Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies."(from Surat al-A'raf: 3)

فَنَصَّ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَنَّ الْمُجْتَهِدَ قَدْ يُخْطِئُ. وَمَنْ قَالَ: إِنَّ النَّاسَ لَمْ يَكْلُفُوا إِلَّا اجْتِهَادَهُمْ فَقَدْ أَخْطَأَ، بَلْ مَا كُفُّوا إِلَّا إصَابَةً مَا أَمَرَ اللَّهُ بِهِ [قَالَ اللَّهُ عَزَّ وَجَلَّ: {اتَّبِعُوا مَا أَنْزَلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِنْ دُونِهِ أَوْلِيَاءَ} [الأعراف: ٣

So Allah 'azza wa jal obligated us to follow(the verb used is "ittiba") what was revealed to us and that we do not follow other than it, and that we do not transgress Allah's limits, and the reward of the mistaken mujtahid is only one reward, for his intention in seeking the truth only, and he does not sin if he was not able\* to come to the correct conclusion, and if he comes to the correct conclusion, he is rewarded with another reward, as the Prophet(alayhissalam) said: that he is given a second reward if he is correct.

فَافْتَرَضَ عَزَّ وَجَلَّ اتِّبَاعَ مَا أَنْزَلَ إِلَيْنَا وَأَنْ لَا نَتَّبِعَ غَيْرَهُ وَأَنْ لَا نَتَعَدَّى حُدُودَهُ، وَإِنَّمَا أَجَرَ الْمُجْتَهِدِ الْمُخْطِئِ أَجْرًا وَاحِدًا عَلَى نِيَّتِهِ فِي طَلَبِ الْحَقِّ . «فَقَطُّ، وَلَمْ يَأْتِ إِذَا حُرِمَ الْإِصَابَةُ، فَلَوْ أَصَابَ الْحَقَّ أَجْرًا أَجْرًا آخَرَ كَمَا قَالَ - عَلَيْهِ السَّلَامُ - «أَنَّهُ إِذَا أَصَابَ أَجْرَ أَجْرًا ثَانِيًا

Abd al-Rahman bin Abdullah bin Khalid narrated to us from Ibrahim bin Ahmad al-Farbari>al-Bukhari>Abdullah bin Yazid al-Muqri>Haywah bin Shurayh>Yazid bin 'Abdullah bin Ilhad>Muhammad bin Ibrahim bin al-Harith>Busr bin Sa'id>Abu Qays, the mawla of 'Amrw bin al-'As>Amrw bin al-'As that he heard Allah's messenger(sallallahu 'alayhi wa sallam) saying: "If a hakim gives a ruling, and uses ijtihad, and is correct, then for him are two rewards, and if he gives a ruling, and uses ijtihad, and then is mistaken, then for him is one reward." \*

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ، أَخْبَرَنَا إِبرَاهِيمُ بْنُ أَحْمَدَ الْفَرَبَرِيُّ حَدَّثَنَا الْبُخَارِيُّ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ الْمُفْرِي حَدَّثَنَا حَيَّوَةُ بْنُ شُرَيْحٍ حَدَّثَنَا يَزِيدُ بْنُ عَبْدِ اللَّهِ بْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إِبرَاهِيمَ بْنِ الْحَارِثِ عَنْ بُسْرِ بْنِ سَعِيدٍ عَنْ أَبِي قَيْسٍ مَوْلَى عَمْرِو بْنِ الْعَاصِ عَنْ عَمْرِو بْنِ الْعَاصِ . «أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ «إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ فَلَهُ أَجْرَانِ، وَإِذَا حَكَمَ فَاجْتَهَدَ ثُمَّ أَخْطَأَ فَلَهُ أَجْرٌ

And it is not permissible to make rulings based on assumption in the first place, because of the saying of Allah ta'ala: "They follow not except assumption, and indeed, assumption avails not against the truth at all." (from Surat al-Najm: 28) and because of the saying of Allah's messenger (sallallahu 'alayhi wa sallam): "Beware of assumption, for indeed assumption is the falsest of speech." And from Allah ta'ala is all success.

وَلَا يَجِلُّ الْحُكْمُ بِالظَّنِّ أَصْلًا لِقَوْلِ اللَّهِ تَعَالَى: {إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [النجم: ٢٨] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» وَيَا لِلَّهِ تَعَالَى التَّوْفِيقُ.